THE BOMBAY LOCAL BOARDS ACT, 1923.

CONTENTS.

PREAMBLE.

CHAPTER I—PRELIMINARY.

SECTIONS.

1. Short title and extent.
2. Repeal of certain Acts.
3. Interpretation section.

CHAPTER II—CONSTITUTION OF LOCAL BOARDS.

3A. Power to constitute local area into district.
4. Establishment of district and taluka local boards.
5. Constitution of local boards.
6. Number of members of local boards, etc., to be prescribed.
7. Constitution of local boards in exceptional cases.
8. Qualifications necessary for election to local boards.
9. General disqualifications of members.
10. Re-eligibility of members.
11. Preparation of list of voters.
12. Publication of the lists.
13. Revision of lists.
14. Final publication of list.
15. What persons may be voters at elections.
15A. [*Repealed.*]
16. General disqualification of voters.
17. Elections when to be held.
18. Provisions for election or nomination in particular cases.
19. Determination of validity of elections: enquiry by Judge: procedure.
20. Voter disqualified for corrupt practice.
21. Publication of names of members in the *Official Gazette.*
22. Election of presidents.
Vice-presidents.
Presidents and *vice*-presidents not to be salaried servants of the Crown.
23. Functions of presidents.
Emergency powers of president.
24. Functions of *vice*-presidents.
25. Consequence of absence of president or *vice*-president without leave.
Limit to the grant of leave, and arrangements pending absence of president or *vice*-president.

SECTIONS.

26. Term of office of president and *vice*-president and their liability to be removed.

Casual vacancies in their office how to be filled up.

Inability of president or *vice*-president to call a meeting.

27. President and *vice*-president to continue to carry out certain duties until their successors take over charge.

28. Term of office.

28A. Extension of term of office of members of local boards in Sind.

29. Resignation of office as member of board.

Resignation of president and *vice*-president.

30. Disqualification of member after election.

31. Removal of member for misconduct, etc.

32. Vacancies to whom to be communicated.

33. Casual vacancies how to be filled up.

34. Temporary provisions pending election of boards under this Act.

CHAPTER III—CONDUCT OF BUSINESS OF LOCAL BOARDS.

35. Meetings of local boards.

Vacancy not to affect proceedings of board or committee.

Acts of board, etc., not to be invalidated by informalities.

36. Standing Committee.

37. Public Health Committee.

38. Other executive committees.

38A. Abolition of taluka local boards and appointment of taluka committees.

39. Committees. Term of Office. Vacancies. Chairman. Procedure. Meetings. Adjournments. Quorum.

40. Certain Government officers may attend meetings of district local boards.

Certain Government officers may attend meetings of taluka local boards.

Local boards may require the presence of the said officers at their meetings

41. President may circulate written propositions.

42. Mode of executing contracts.

43. Local funds ordinarily liable for all costs and expenses incurred by boards. But members to be held responsible for misapplied or wasted funds and property.

44. Power to compromise.

45. Works to be executed by the Government Executive Engineer.

Works which may be executed by other agency.

Payment of Government establishment employed by Government Executive Engineer.

45A. Repairs not to be commenced without plans and estimates.

46. Joint committees of two or more local bodies.

SECTIONS.

CHAPTER IV—INCORPORATION OF LOCAL BOARDS, PROPERTY, POWERS AND DUTIES.

47. Incorporation of local boards.
48. Vesting of future local works.
49. Power to decide whether property vests in taluka or district board.
50. Obligatory duties.
Discretionary powers of expenditure.
50A. Power of district local board to construct other works and manage other institutions.
51. Relative duties of taluka and district local boards.

CHAPTER V—SANITARY AND OTHER POWERS.

52. Power to enter and inspect, etc., buildings.
53. Filthy buildings, etc.
54. Powers and duties with regard to sources of water supply.
55. Remedy on non-compliance with directions issued.
56. Power to set apart public springs, etc., for certain purposes.
Power to prohibit use of water from certain sources.
57. Penalty for using places set apart for other purposes.
58. Abatement of nuisance from foul water.
59. Closing of places for the disposal of the dead.
60. President, etc., to have power of entry for inspection into buildings, etc., where infectious disease exists.
Inspection to be made between sunrise and sunset.
Disinfection of buildings, etc.
61. District local board to notify places for washing and disinfecting articles exposed to infection.
Infected articles may be destroyed.
Penalty.
61A. Obstructions and encroachments upon public roads, land or building.
61B. Powers of inspection of weights and measures, etc.
62. District local board empowered to make by-laws.
Infringement of by-laws.
Confirmation of by-laws.
By-laws to have the force of law.
63. Service of notices, etc., addressed to individuals.
64. Service of notices on owners or occupiers of buildings and lands.
65. Public and general notices how to be published.
66. Defective form not to invalidate notice.
Execution of acts required to be done by any notice.
67. Punishment for disobedience of orders and notices not punishable under any other section.

SECTIONS.

68. District local board in default of owner or occupier may execute works and recover expenses.
Power to levy charges on occupier, who may deduct the sum from his rent.
Occupiers not to be liable for more than the amount of rent due.
69. Expenses or costs how determined and recovered.
70. District local board may prosecute.
Jurisdiction of Magistrate.
71. Damage to any local board property how made good.
72. Alternative procedure by suit.
73. Powers of police officers.

CHAPTER VI—REVENUE AND EXPENDITURE.

74. Local fund, its custody and investment.
75. Income of local fund.
76. Local fund by what boards to be expended.
77. Local fund where to be expended.
78. General charges to be defrayed by district local boards.
79. Assignment of certain portions of revenue to municipalities or cantonment committees.
80. Expenditure for educational purposes to be made by district local boards only.
80A. Cess on water-rate to be utilized towards improvement of communications in irrigated tracts.
80B. District local boards to spend 75 per cent. of grant of land revenue in talukas.
81. Provisions for determining by which boards expenditure should be incurred for other purposes.
82. How the local fund shall be drawn against.
83. Accounts to be kept in form prescribed by the Provincial Government.
84. Publication of abstract of accounts annually.
85. Return to be rendered to local boards of actual and estimated income of local funds.
86. Preparation of annual budget estimates of income and expenditure.
Consideration and approval of budget estimates by the board.
87. Taluka local boards' budget estimates to be submitted for sanction to the district local board.
88. Revised or supplementary budget estimates may be made when necessary.
Re-appropriation to be subject to approval or sanction like budget estimate.
89. Budget estimates and re-appropriations when to be approved or sanctioned.
Copies of budget estimates and re-appropriation statements to be sent to the Collector.

SECTIONS.

90. Except on a pressing emergency no sum not provided for in a budget estimate to be expended.
91. Provision as to budget estimates in force when this Act comes into operation.
92. Audit to be made periodically under the orders of the Provincial Government.
Auditor to have power to see all accounts, etc.

CHAPTER VII—TAXATION.

93. Levy of three annas cess on every rupee of land-revenue.
94. Rules for assessment.
95. Levy of cess on water-rate.
96. Manner of levying cess described in section 93.
97. Manner of levying cess described in section 95.
98. Assistance to superior holders.
99. Taxes which may be imposed by district local board.
100. Procedure of board preliminary to imposing tax.
101. Power to sanction, modify and impose conditions.
102. Publication of sanctioned rules with notice.
102A. Collection of octroi by one public body on behalf of others.
102B. Octroi rules.
103. Power of Provincial Government to suspend levy of objectionable taxes.

CHAPTER VIII—COLLECTION OF TAXES.

104. Presentation of bill for amount of tax.
Contents of bill.
If bill not paid within fifteen days, notice of demand to issue.
105. In what cases warrant may issue.
106. Warrant by whom to be signed.
106A. Octroi on goods in vessels in river, creek, etc.
107. To whom warrant should be addressed.
108. Power of entry under special order.
109. Warrant how to be executed.
110. Sale of goods distrained.
Application of proceeds of sale.
Surplus, if any, how dealt with.
111. Distraint and sale outside the district.
112. Fees and costs chargeable.
113. Appeals to Magistrates.
114. Liability of lands, buildings, etc., for rates.
115. Suspension of power to recover by distress and sale.
115A. Power to examine articles liable to octroi.
Power to search where octroi is leviable.

SECTIONS.

115B. Presentation of bills for octroi.

115C. Penalty for evasion of octroi.

116. Power to seize animals, goods or vehicles on non-payment of octroi or toll.

Power to sell property seized at once.

Release of property on payment.

Sale.

Surplus how dealt with.

116A. Power to keep account current with person, firm or public body in lieu of levying octroi on introduction of goods.

117. Farming of tolls.

Person employed by the lessee of toll to have power of seizure.

118. Receipts to be given for all payments.

CHAPTER VIII-A—FINANCIAL ASSISTANCE TO DISTRICT LOCAL BOARDS.

118A. Grant of 15 per cent. of land revenue to district local boards.

CHAPTER IX—OFFICERS AND SERVANTS OF LOCAL BOARDS.

119. Schedule of establishment to be prepared and sanctioned by district local boards; Chief Officer; Health Officer; Engineer.

120. Delegation of power to engage officers and servants.

121. Power of Commissioner to prevent extravagance in establishments.

122. Punishment and dismissal of officers and servants.

123. District local boards to frame regulations;
Fixing the amount of the security to be furnished.
Regulating leave;
Settling absentee allowances;
Fixing acting allowances;
Regulating length of service;
Regulating punishment and dismissal;
Fixing pensions, etc.;
Fixing contributions to provident funds;
Proviso as to officers lent by Provincial Government; and as to approval of regulations by the Provincial Government.

CHAPTER X—CONTROL.

124. Powers of inspection and supervision.

125. Collector's power of suspending execution of orders, etc., of local boards.

Collector's order to be reported to the Commissioner, who may confirm or modify it.

Every case under this section to be reported to the Provincial Government for its final orders.

126. Extraordinary powers of Collector in case of emergency.

127. Power of the Provincial Government to provide for performance of duties in default of local board.

SECTIONS.

128. Inquiry into affairs of local board.
129. Power of the Provincial Government to dissolve or supersede local boards in case of incompetence, default or abuse of powers.
130. Reconstitution of local board after dissolution.
131. Consequences of supersession of local board.
131A. Power of Provincial Government to dissolve and reconstitute local boards on the alteration of limits of districts or talukas.
131B. Vesting of property, etc., of local boards which have been dissolved in reconstituted local boards.
131C. Vesting of property, etc., of a taluka local board which has ceased to exist in the district local board.
132. Powers of the Provincial Government and of Commissioners over Collectors, etc.

CHAPTER XI—RULES.

133. Purposes for which rules and orders may be made.

CHAPTER XII—MISCELLANEOUS.

134. Penalty for member, officer or servant of a local board having an interest in any contract, etc., with that board.
135. Members, etc., of boards to be public servants.
136. Limitation of suits, etc.
137. Acquisition of land.

SCHEDULES A to E.

BOMBAY ACT No. VI OF 1923.[1]

[THE BOMBAY LOCAL BOARDS ACT, 1923.]

[*17th March 1923.*]

Amended by Bom. 2 of 1925.
" " " 13 of 1925.
" " " 7 of 1926.
" " " 10 of 1927.
" " " 5 of 1928.
" " " 4 of 1930.
" " " 25 of 1930.
" " " 10 of 1931.
" " " 22 of 1931.
" " " 23 of 1931.
" " " 5 of 1932.
" " " 15 of 1932.
" " " 16 of 1933.
" " " 8 of 1934.
" " " 14 of 1934.
" " " 6 of 1935.
" " " 13 of 1935.
" " " 16 of 1935.
" " " 30 of 1935.
" " " 34 of 1935.
" " " 14 of 1936.
" " " 18 of 1936.
" " " 24 of 1936.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1922, Pt. V, pp. 140-145; for Report of Select Committee, *see ibid.*, pp. 191-194; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1922, Vol. VII.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

Amended by Bom. 1 of 1938.*
,, ,, ,, 23 of 1938.
,, ,, ,, 23 of 1939.†
,, ,, ,, 3 of 1940.§
,, ,, ,, 17 of 1945.††
,, ,, ,, 21 of 1945.‡
,, ,, ,, 41 of 1947.
,, ,, ,, 19 of 1948.
,, ,, ,, 10 of 1949.

---

* Sections 8 and 9 of Bom. I of 1938 read as under :—

Provision for increase of reserved seats for backward tribes in certain districts.

"8. (*1*) Notwithstanding anything contained in this Act or the rules or orders thereunder, in the case of a local board—

(*a*) of a district which includes a partially excluded area, or in respect of which the Provincial Government is of opinion that the population of the members of backward tribes residing therein is sufficiently large to justify reservation of seats being made for the purpose of giving them representation, and

(*b*) which is constituted on a date next following the commencement of this Act, the Provincial Government may, at any time during the term of office of such board, direct by notification in the *Official Gazette*, that the total number of members of such board prescribed by rules or orders under section 133 of the said Act shall be increased to such number as it deems necessary for the purpose of providing seats for the members of backward tribes or adding to the number of seats already reserved for such members under the said rules or orders.

(*2*) On the publication of such notification elections shall, for the purpose of filling the number of seats so increased, be held in the manner specified in the said Act or the rules or orders thereunder subject to such modification as the Provincial Government may direct.

(*3*) The period for which the members elected to fill the said seats shall hold office shall be coterminous with the term of office of such board under section 28 of the said Act.

(*4*) Nothing herein contained shall affect the constitution of any committee which may have been constituted or the election or appointment of any officers who may have been elected or appointed, before the election of the additional members under sub-section (*2*).

Explanation.—For the purpose of this section, a partially excluded area shall be any of the area in the Province of Bombay specified in the Schedule to the Government of India (Excluded and Partially Excluded Areas) Order, 1936.

Savings.

9. (*1*) Nothing in this Act shall affect the local boards constituted immediately before the commencement of this Act and no appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued or imposed by or in respect of such local board shall be deemed to be invalid by reason only of the fact that this Act has come into force.

(*2*) Notwithstanding anything contained in this Act, any casual vacancy in a local board constituted immediately before the commencement of this Act shall, subject to the provisions of section 33, be filled in the manner provided by the said Act, as if this Act had not been passed."

† Section 4 of Bom. 23 of 1939 reads as follows :—

Act not to apply to suits or proceedings in respect of elections before this Act.

"4. Nothing in this Act shall apply to any suits or proceedings in respect of elections held prior to the date of the coming into force of this Act."

§ This Act has been repealed and re-enacted by Bom. 40 of 1947, s. 2.

†† This Act has been repealed and re-enacted and the amendments made by section 9 and Schedule E to this said Act have been continued in force by Bom. 52 of 1947, s. 2.

‡ This Act has been repealed and provisions of section 3(*ii*) thereof only have been re-enacted by Bom. 19 of 1948, s. 2.

An Act to consolidate and amend the law relating to local boards.

WHEREAS it is expedient to consolidate and amend the law relating to local boards and local funds and whereas the previous sanction of the Governor-General required by clauses (*a*), (*e*) and (*h*) of sub-section (*3*) of section 80A of the Government of India Act, has been obtained for the passing of this Act; It is hereby enacted as follows:—

5 & 6 Geo. V, c. 61.

CHAPTER I—PRELIMINARY.

Short title and extent.

1. (*1*) This Act may be called the Bombay Local Boards Act, 1923.

(*2*) It extends to the whole of the Presidency of Bombay except the City of Bombay [1]* *.

Repeal of certain Acts.

Bom. VIII of 1865. Bom. III of 1869. Bom. I of 1884.

2. The Sind Local Funds Act, 1865, the Bombay Local Funds Act, 1869, and the Bombay Local Boards Act, 1884, are hereby repealed: Provided that such repeal shall not affect the liability of any person to pay any sum due from him under any of the said enactments.

Interpretation section.

3. In this Act, unless there is anything repugnant in the subject or context,

(*a*) the words "salaried [2][servant of the Crown]" do not include a retired [2][servant of the Crown] in receipt of a pension or a person in receipt of salary or fees [3][from the Crown] who is not a full-time [2][servant of the Crown];

(*b*) the word "taluka" means any local area for which a taluka board is established, [4][or a taluka committee is appointed under section 38A] inclusive of the portion of such area if any, for the time being within a municipal district or a Military cantonment;

(*c*) the word "Mamlatdar" means in Sind a Mukhtyarkar; and

[5][(*cc*) "Backward tribe" means a tribe specified in Part II of the Thirteenth Schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936.

(*dd*) "Harijan" means a person belonging to any of the Scheduled Castes as defined in the Government of India (Scheduled Castes) Order, 1936.]

[6][(*ee*) "Indian Christian" means a person who is a native of India and who professes any form of the Christian religion and whose father or any of whose other male progenitors in the male line is not or was not of European descent;]

[7][(*ff*) "district" means the district referred to in sub-section (*1*) of section 3A or the local area declared as a district under sub-section (*2*) of that section, as altered by the notification, if any, issued under sub-section (*3*) of the same section;]

[8][(*gg*) "octroi" means a tax by way of cess on the entry of goods into a district for consumption, use or sale therein;]

(*d*) any word or expression which is defined in the Bombay Land Revenue Code, 1879, and is not hereinbefore defined, shall be deemed to have the meaning given to it by that Code.

Bom. V of 1879.

---

[1] The words "and Aden" were omitted by the Adaptation of Indian Laws Order in Council.

[2] The words "servant of the Crown" were substituted for the words "servant of the Government," *ibid.*

[3] The words "from the Crown" were substituted for the words "from the Government," *ibid.*

[4] These words figures and letters were inserted by Bom. 6 of 1935, s. 2.

[5] Now clauses (*cc*) and (*dd*) were inserted by Bom. I of 1938, s. 2.

[6] This clause was inserted by Bom. 41 of 1947, s. 4 (*1*).

[7] This clause was inserted by Bom. 19 of 1948, s. 3.

[8] This clause was inserted by Bom. 10 of 1949, s. 2.

CHAPTER II—CONSTITUTION OF LOCAL BOARDS.

Power to constitute local area into district.

[1][3A. (*1*) Save as otherwise provided in this section, every local area constituted as a district from time to time under the Bombay Land Revenue Code, 1879, shall be deemed to be a district for the purposes of this Act. Bom. V of 1879.

(*2*) The Provincial Government may, in special circumstances, by notification in the *Official Gazette*, declare any local area whether in the same district constituted under the Bombay Land Revenue Code, 1879, or in any other such district to be a district for the purposes of this Act and specify therein the name of the district. Bom. V of 1879.

(*3*) The Provincial Government may, by notification in the *Official Gazette*,—

(*i*) exclude from any district any local area comprised therein; or

(*ii*) include in any district any local area in the vicinity thereof; or

(*iii*) cancel a notification issued under sub-section (*2*); or

(*iv*) alter the name of any district.

(*4*) Before issuing a notification under sub-section (*2*) or sub-section (*3*), the Provincial Government shall, by a general notice published in the *Official Gazette*, require a district local board or boards or any persons who may be affected by the issue of such notification, to submit any objections to the proposal, and shall consider the objections submitted within the period specified in such notice.

(*5*) Every notification issued under sub-section (*2*) or clause (*i*) or clause (*ii*) of sub-section (*3*) shall contain a statement of reasons therefor and shall be laid before both the Chambers of the Provincial Legislature.

(*6*) If any district comprises only a part of the district constituted under the Bombay Land Revenue Code, 1879, or two or more districts so constituted or parts of two or more such districts, the Provincial Government may, by notification in the *Official Gazette*, declare which officers shall be considered to be the Collector and the Commissioner, and which other officers referred to in this Act shall be considered as such officers, in respect of that district for the purposes of this Act.] Bom. V of 1879.

Establishment of district and taluka local boards.

4. (*1*) [2][The Provincial Government] shall establish one district local board for each district [3]* * * * and may establish such number of taluka local boards for such areas within the district as it shall deem fit.

(*2*) Local funds shall be administered by local boards established under the provisions of this Act.

(*3*) A district local board and subject to the authority of the district local board, a taluka local board shall have authority for the purposes of this Act over the area for which it has been established, except such portion thereof as is for the time being within the limits of a municipal district or cantonment.

(*4*) Any local board established under the Bombay Local Boards Act, 1884, and existing immediately prior to the coming into force of this Act, shall be deemed to have been established under this Act; Bom. I of 1884.

and in respect of all property, debts, obligations, contracts, agreements, civil and criminal proceedings and any other matter or thing the rights and liabilities of any such local board shall be deemed to vest in the local board so deemed to have been established;

---

[1] This section was inserted by Bom. 19 of 1948, s. 4.

[2] These words were substituted for the words "The Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "as constituted from time to time under the Bombay Land Revenue Code, 1879," were deleted by Bom. 19 of 1948, s. 5 (*a*).

and any appointment, notification, notice, tax, order, scheme, licence, permission rule, by-law or form made, issued or imposed in respect of any such local board, under any law other than the Acts repealed by section 2, or, so far as consistent with the provisions of this Act, under any Act so repealed shall be deemed to have been made, issued or imposed under the provisions of such law or this Act respectively in respect of the local board so deemed to have been established under this Act, unless and untill superseded by any appointment, notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued or imposed under such law or this Act.

[1]* * * * *

Constitution of local boards.

5. [2][(*1*) Every district and taluka local board shall, subject to the provisions of sub-section (*5*), consist of elective members].

[3](*2*) * * * * *

[3](*3*) * * * * *

[3](*4*) * * * * *

(*5*) Any vacancy due to failure to elect at any election or by-election the full number of elected members may be filled by appointment by [4][the Provincial Government].

Number of members of Local Boards, etc., to be prescribed.

[5][**6.** The number of members of each local board, the number and extent of the constituencies by which the members of a local board shall be elected, the number of members to be elected by each constituency and the number of seats, if any, to be reserved for the representation of women, Muslims, Harijans, backward tribes and Indian Christians, shall be as prescribed by orders made by the Provincial Government under clause (*a*) of section 133.]

Constitution of local boards in exceptional cases.

7. (*1*) [4][The Provincial Government] may at any time by notification in the [6][*Official Gazette*] direct that the provisions of sections 5 and 6, and the subsequent provisions of this Act which refer to those sections, or any one or more of the said provisions, shall not apply to any local board to which for exceptional reasons, which shall be set forth in the said notification, [4][the Provincial Government] shall deem such provisions to be unsuitable.

(*2*) In the said notification or any subsequent notification published as aforesaid [4][the Provincial Government] may substitute such provision or provisions as it deems fit for the provision or provisions declared inapplicable to any local board and the provision or provisions so substituted shall have effect, so far as concerns such board, as if they were inserted in this Act.

(*3*) In the event of any notification under sub-section (*1*) being rescinded the local board affected thereby shall, from a date to be fixed in this behalf by [4][the Provincial Government], be constituted in accordance with sections 5 and 6 and the subsequent provisions of this Act having reference thereto.

---

[1] Sub-section (*5*) was deleted, by Bom. 19 of 1948, s. 5 (*b*).

[2] This sub-section was substituted for the original by Bom. 1 of 1938, s. 3 (*1*).

[3] Sub-sections (*2*), (*3*) and (*4*) were deleted, *ibid.*, s. 3 (*2*).

[4] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[5] Section 6 was substituted for the original by Bom. 41 of 1947, s. 4 (*2*).

[6] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

Qualifications necessary for election to local boards.

[1][**8.** Subject to the provisions of this Act and of any other law for the time being in force,—

(*a*) every person whose name is entered in the list prepared under section 11 for a constituency of a taluka local board may be a candidate at any election for such taluka local board; and

(*b*) every person whose name is entered in any such list for a constituency of the district local board may be a candidate at any election for the district local board.]

General disqualifications of members.

9. (*1*) No person may be a member of a local board who—

(*a*) is less than 21 years of age, or

(*b*) is a Judge of a civil court, or

[2](*c*) (*i*) has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, if and so long as such sentence has not expired, or

(*ii*) is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1898, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, if and so long as such order is in force, or V of 1898.

(*iii*) has been removed from office under section 31 and five years have not elapsed from the date of the expiry of such removal,

unless he has, by an order of [3]the Provincial Government] notified in the [4][*Official Gazette*], been relieved from the disqualification arising on account of such sentence, order or removal from office, or

[5](*d*) is a stipendiary officer or servant of a local board, or

[5](*e*) has directly or indirectly, by himself or his partner, any share or interest in any work done by order of a local board, or in any contract or employment with, or under, or by, or on behalf of a local board, [6][or

(*f*) has directly or indirectly by himself or his partner any share or interest in any transaction of loan of money advanced to or borrowed from any officer or servant of the local board.]

(*2*) No person shall be disqualified under clause [7][(*e*)] of sub-section (*1*) for membership of a local board by reason only of such person—

(*a*) having share in any joint stock company or a share or interest in any society registered or deemed to be registered under the [8]Co-operative Societies Act, 1912, which shall contract with or be employed by or on behalf of the local board; or II of 1912.

---

[1] This section was substituted for the original section by Bom. 2 of 1925, s.2.

[2] Clause (*c*) was substituted for the original clauses (*c*) and (*d*) and the explanation to clause (*d*) by Bom. 13 of 1925, s. 2 (*1*) (*a*).

[3] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[5] Clauses (*e*) and (*f*) were relettered (*d*) and (*e*) respectively by Bom. 13 of 1925, s. 2 (*1*) (*b*).

[6] The word "or" and clause (*f*) were inserted by Bom. 10 of 1949, s. 3.

[7] The letter and brackets "(*e*)" were substituted for the original letter and brackets "(*f*)" by Bom. 13 of 1925, s. 2 (*2*).

[8] See now the Bombay Co-operative Societies Act, 1925 (Bom. 7 of 1925).

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local board may be inserted ; or

(*c*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the local board ; or

(*d*) being professionally engaged on behalf of the local board as a legal practitioner[1] ; [2][or]

[3][(*e*) being a police patil, who is an *ex-officio* keeper of village cattle-pounds under the control of the local board.]

(*3*) If any person is elected or appointed to a local board and is subject to any of the disqualifications specified in this section, his seat shall be deemed to be vacant and the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the person in whose place he is elected or appointed would have held it if he had been eligible to be a member of the board.

(*4*) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Commissioner shall be final for the purpose of deciding such question, dispute or doubt.

Re-eligibility of members.

10. A person who has already been elected or appointed a member of a board on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment.

Preparation of list of voters.

11. (*1*) The Collector shall keep a list for each constituency of each local board within his district of the persons qualified to vote in such constituency at elections of members of the local board.

(*2*) Such list shall be prepared by the Collector whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired or whenever the Commissioner so directs, and shall be based upon such information as shall be available in the records of the Collector and of the officers subordinate to him, and also upon the past decision of the Collector under section 22 of the [4]Bombay Local Boards Act, 1884, or under section 13.

Bom. I of 1884.

Publication of the lists.

12. (*1*) A list prepared under section 11 shall be published by affixing, in some conspicuous place in or near the office of the local board and of each Mamlatdar and Mahalkari, and in the chavdi or some other public building of each town or village in the district, a copy of the list or of so much of the list as relates to the taluka, town or village.

(*2*) The publication aforesaid shall be made in the vernacular language of the district and where a date has been fixed for any election of persons to fill the places of members whose terms of office have expired, at least three months before such date.

---

[1] The semi-colon was substituted for the fullstop by Bom. 10 of 1931, s. 2 (*a*).

[2] The word "or" was added, *ibid.*

[3] This clause was inserted, *ibid.*, s. 2 (*b*).

[4] Bom. 1 of 1884 is repealed by this Act, s. 2.

Revision of lists.

[1][**13.** (*1*)] The Collector may, on application being made to him at any time within one month after the publication of the list aforesaid by any person claiming to be qualified to vote at any election of members of the local board, correct any erroneous entry in the list, or [2][subject to the provisions of sub-sections (*2*) to (*6*)] insert therein the name of any person whose right to be entered in the list is proved to the satisfaction of the Collector. [3]* * * * *

[4][(*2*) Before inserting in the list aforesaid the name of any person, the Collector shall publish a notice calling upon persons entered in the list to lodge within seven days from the publication of such notice any objection which they may have to the insertion of such name.

(*3*) Such objection shall be made in writing and shall specify the grounds on which the right of any person to be entered in the list is objected to, the evidence which the objector intends to lead, the address of the objector and his number, if any, in the list, and the area in the district in which his name is entered.

(*4*) An objection which is not lodged within the time specified in sub-section (*2*) or which is lodged by a person not entitled to lodge the same shall be rejected.

(*5*) The Collector shall, on receipt of an objection lodged, fix a date and place for the hearing of the same and shall give notice of such date and place to the claimant.

(*6*) The Collector, after hearing the evidence, if any, adduced, on behalf of the parties, and after such further enquiry as he may deem necessary, shall pass an order on the objection.

(*7*) The Collector's decision under this section shall be final and conclusive.]

Final publication of list.

14. (*1*) The Collector, after revising the list as provided in section 13, shall republish the same within two months from the date of publication under section 12 in the manner provided in that section.

[5][(*2*) Every person whose name is in the revised list last published before the date of any election for any constituency shall be qualified to vote and every person whose name is not in such list shall not be qualified to vote at the election of a member for the constituency for which such list has been prepared.

(*3*) Every person whose name is in the revised list last published before the date of any election for any of the constituencies of any local board shall be qualified to be elected and every person whose name is not in any such list shall not be qualified to be elected at the election for any constituency of such local board.

(*4*) The revised lists referred to in sub-sections (*2*) and (*3*) shall be conclusive evidence for the purpose of determining under this section whether any person is qualified or is not qualified to vote or is qualified or is not qualified to be elected, as the case may be, at any election.]

What persons may be voters at elections.

[6][**15.** (*1*) Unless disqualified under this Act or under any other law for the time being in force, the following persons shall, subject to the provisions of sub-section (*2*),

---

[1] Section 13 was renumbered as s. 13 (*1*) by Bom. 23 of 1939, s. 2 (*1*).

[2] These words figures and barackets were inserted, *ibid.*, s. 2 (*1*) (*i*).

[3] The words "The Collector's decision shall be final and conclusive" were omitted, *ibid.*, s. 2 (*1*) (*ii*).

[4] Sub-sections (*2*) to (*7*) were added, *ibid.*, s. 2 (*2*).

[5] Sub-sections (*2*) to (*4*) were substituted for sub-sections (*2*) and (*3*), *ibid.*, s. 3.

[6] Section 15 was substituted for the original section by Bom. 18 of 1936, s. 2.

be entitled to have their names entered in the list for a constituency prescribed under section 6 qualifying them to vote at elections of members of local boards in such constituency, namely :—

Every person who on the first day of January next preceding the date on which the list is published under section 12 had a place of residence within the constituency, and

(*a*) whose name is entered in the current electoral roll of a territorial constituency of the Bombay Legislative Assembly for an area constituting or forming part of a constituency prescribed under section 6, or

(*b*) who was assessed to any tax imposed by a local board (other than a toll or octroi) in the financial year preceding that in which the list is published under section 12.

(*2*) A person whose name is entered in the current electoral roll of a territorial constituency of the Bombay Legislative Assembly shall not, by reason only of the entry of his name in such electoral roll, be entitled to have his name entered in the list for a constituency prescribed under section 6, if the place of residence of such person on the date referred to in sub-section (*1*) is within the limits of a municipal district or a cantonment comprised in such constituency, unless such person possesses, on the aforesaid date, a property qualification entitling his name to be included in the electoral roll for the area referred to in clause (*a*) of sub-section (*1*).

(*3*) [1]* * * * *

Provided [1]* that no person shall be entitled to have his name registered on the electoral roll of more than one constituency of the same taluka local board or of more than one constituency of the same district local board.

Explanation.—For the purposes of this section—

(*1*) the current electoral roll of a territorial constituency of the Bombay Legislative Assembly shall mean the electoral roll for the time being in force of a territorial constituency of the Bombay Legislative Assembly prepared and published under the Bombay Legislative Assembly Electoral (Preparation, Revision and Publication of Electoral Rolls) Rules, 1936.

(*2*) " property qualification " means any of the qualifications dependent on property as prescribed in clauses (*a*), (*b*) and (*c*) of paragraph 3 of Part III of the Sixth Schedule to the Government of India Act, 1935, or clauses (*a*) and (*b*) of paragraph 5 of Part III of the Government of India (Provincial Legislative Assemblies) Order, 1936.]

15A. [*Provisions of section 15 (3), clauses (a) and (b) to cease to be in force.*] *Repealed by Bom. 41 of 1947, s. 4 (4).*

16. No person who is less than twenty-one years of age shall be entitled to have his name entered in a list prepared under section 11. General disqualification of voters.

[1] The first proviso and the word further in the second proviso were deleted by Bom. 41 of 1947, s. 4 (*3*).

Elections when to be held.

17. Every election requisite for the purposes of this Act shall be held on such date as the Collector shall fix in this behalf:

Provided that, when the elections are for the purpose of filling the places of members whose terms of office have expired, such dates shall be not sooner than two months and not later than one month before the commencement of the term of office of members of the board to which such elections are to be made.

Provisions for election or nomination in particular cases.

18. (*1*) If at any election of a member of a local board under this Act there is an equal number of votes in favour of each of two or more persons who are willing to take office, and the addition of one vote will entitle any of the persons to be elected the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by the Collector, or by such officer as he may empower in this behalf, by lot in such manner as he shall deem fit.

(*2*) If any person duly elected at any such election declines to take office, the person, if any, amongst the unsuccesstul candidates in whose favour the highest number of votes has been recorded and who is willing to take office shall be deemed to be the member elected.

(*3*) If at any contested election no votes are recorded, or if for any reason an election does not result in the return of the required number of qualified persons willing to take office, the Collector, in the case of a taluka local board, and the Commissioner, in the case of a district local board, shall appoint the required number of persons, being persons who would have been qualified to be elected, and the persons so appointed shall be deemed to be members of the local board as if they had been duly elected.

Determination of validity of elections: enquiry by Judge: procedure.

19. (*1*) If the validity of any election of a member of a local board, or the legality of any order or proceeding made or held under section 18 is brought in question by any person qualified to vote at the election to which such question refers, such person may, at any time within fifteen days after the date of the declaration of the result of the election or the date of the order or proceeding, apply to the District Judge of the district within which the election has been or should have been held for the determination of such question:

[1][Provided that in the case of any election of a member of a local board, or any order or proceeding made or held under section 18 in connection with any election, in any area specified in Part II of Schedule A to the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, this sub-section shall be construed as if for the words "of the district within which the election has been or should have been held" the words "of Thana" were substituted.] Bom. XVII of 1945.

(*2*) An enquiry shall thereupon be held by a Judge, not below the grade of an Assistant Judge, appointed by [2][the Provincial Government] either specially for the case or for such cases generally; and such Judge may, after such enquiry as he deems necessary, pass an order confirming or amending the declared result of the election or the order of the Collector under section 18, or setting the election aside. For the purposes of the said enquiry the said Judge may exercise any of the powers of a civil court and his decision shall be conclusive. If he sets aside an election, a date shall forthwith be fixed and the necessary steps taken, for holding a fresh one.

---

[1] This proviso was added by Bom. 17 of 1945, s. 9 and Schedule E, read with Bom. 52 of 1947, s. 2, proviso.

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[1][(2*A*) All applications received under sub-section (*1*) :—

(*a*) in which the validity of the election of members to represent the same constituency is in question shall be heard by the same Judge ; and

(*b*) in which the validity of the election of the same member elected to represent the same constituency is in question shall be heard together.

V of 1908. (2*B*) Notwithstanding any thing contained in the Code of Civil Procedure, 1908, the Judge shall not permit (*a*) any application to be compromised or withdrawn or (*b*) any person to alter or amend any pleading, unless he is satisfied that such application for compromise or withdrawal or the application for such alteration or amendment is *bona fide* and not collusive.]

(*3*) (*a*) If on holding such enquiry the Judge finds that a candidate has for the purpose of the election committed a corrupt practice within the meaning of sub-section (*4*), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (*2*), and shall set aside the election of such candidate if he has been elected.

(*b*) If, in any case to which clause (*a*) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected :

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person, known or unknown, in giving or obtaining it :

[2][Provided further that after such computation if an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be added to the total number of valid votes found to have been received in favour of such candidate, or candidates, as the case may be, selected by lot drawn in the presence of the Judge in such manner as he may determine.]

(*4*) A person shall be deemed to have committed a corrupt practice—

(*a*) who with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury, to any person, or

(*b*) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression " a promise of individual profit "—

(*i*) does not include a promise to vote for or against any particular measure which may come before a local board for consideration, but

(*ii*) subject thereto, includes a promise for the benefit of the person himself or any person in whom he is interested.

[1] Sub-sections (*2A*) and (*2B*) were inserted by Bom. 14 of 1936, s. 2.

[2] This proviso was inserted by Bom. 10 of 1949, s. 4.

(*5*) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf under clause (*b*) of section 133, or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

(*6*) If the Judge sets aside an election under clause (*a*) of sub-section (*3*), he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any local board for a term of years not exceeding five and the decision of the Judge shall be conclusive :

Provided that such person may, by an order of [1][the Provincial Government] in that behalf, be at any time relieved from such disqualification :

Provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration shall not be made.

Voter disqualified for corrupt practice.

20. Any person who has been convicted under section 171E or 171F of the Indian Penal Code, or has been disqualified from exercising any electoral right for a period of not less than five years on account of malpractices in connection with an election, shall, for five years from the date of such conviction or disqualification, be disqualified from voting at any election to a local board or at any municipal election. XLV of 1860.

Publication of names of members in the *Official Gazette*.

21. The names of all members finally elected to any local board as well as the names of the nominated members, if any, appointed thereto shall be published, as soon as conveniently may be, in the [2][*Official Gazette*].

Election of presidents.

22. (*1*) Every local board shall be presided over by a president, elected by the board from among its own members.

Vice-presidents.

(*2*) The board shall also elect one of its members to be vice-president.

Presidents and vice-presidents not to be salaried servants of the Crown.

(*3*) A salaried [3][servant of the Crown] shall not be elected president or vice-president of a local board and the election of any such servant as such shall be void.

Functions of presidents.

23. (*1*) The president of a local board shall—

(*a*) preside at the meetings of the board ;

(*b*) watch over the financial and executive administration of the board and submit to the board all questions connected therewith which shall appear to him to require its orders ;

(*c*) exercise supervision and control over the acts and proceedings of all officers and servants of the board in matters of executive administration, and in matters concerning the accounts and records of the board ; and, subject to the regulations at the time being in force framed by the board under section 123, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances ; and

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The words "servant of the Crown" were substituted for the words "servant of the Government", *ibid.*

(*d*) furnish to the Collector or to such other officer as the Collector shall from time to time nominate in this behalf a copy of every resolution passed at every meeting of the board and any extract from the minutes of the proceedings of the board, or other document or thing which the Commissioner, Collector or other duly authorised [1][servant of the Crown] may from time to time call for under section 124.

Emergency powers of president.

(*2*) The president of a local board may in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the local board, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the local fund :

Provided that—

(*a*) he shall not act under this section in contravention of any order of the local board prohibiting the execution of any particular work or the doing of any particular act, and

(*b*) he shall report forthwith the action taken under this section and the reasons therefor to the standing committee at its next meeting.

Functions of vice-presidents.

24. The vice-president of a local board shall—

(*a*) in the absence of the president preside at the meetings of the board ;

(*b*) exercise such of the powers and perform such of the duties of the president as the president from time to time deputes to him ; and

(*c*) pending the election of a president, or during the absence of the president on leave, exercise the powers and perform the duties of the president.

Consequence of absence of president or vice-president without leave.

25. (*1*) Every president of a local board who for a period exceeding three months, and every vice-president who for a period exceeding one month, shall absent himself from the district or taluka for which the local board is established in such manner as to be unable to perform his duties as such president or vice-president, shall cease to be president or vice-president, as the case may be, unless leave so to absent himself has been granted by the board or in the case of a vice-president by the president.

Limit to the grant of leave, and arrangements pending absence of president or vice-president.

(*2*) Leave under sub-section (*1*) shall not be granted for a period exceeding six months, and whenever leave is granted to a president or vice-president under that sub-section, the board shall elect one of its members to exercise all the powers and perform all the duties of a vice-president in lieu of the vice-president who is exercising the powers and performing the duties of the president, or who is absent on leave during the period for which such leave is granted.

Term of office of president and vice-president and their liability to be removed.

26. (*1*) The term of office of every president or vice-president shall cease on the expiry of his term of office as a member of the local board over which he presides : provided that he shall be removable from office, as such president or vice-president, by [2][the Provincial Government] for misconduct, or neglect of or incapacity to perform his duty [3][and a president or vice-president so removed shall not be eligible for re-election or appointment during the remainder of the term of office of the local board.]

---

[1] The words "servant of the Crown" were substituted for the words "officer of the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the words "the Government", *ibid.*

[3] These words were added by Bom. 10 of 1949, s. 5 (*a*).

Casual vacancies in their office how to be filled up.

(*2*) In the event of the death, resignation, or removal from office of a president or vice-president, or of his becoming incapable of acting, or ceasing to be a member of the local board, previous to the expiry of his term of office, the vacancy shall [1][subject to the provisions of sub-section (*1*)] be filled up as soon as conveniently may be by the election of [2][a member] of the board thereto.

Inability of president or vice-president to call a meeting.

(*3*) Where the president and vice-president are unable or for any reason fail to call a meeting for the purpose of an election under sub-section (*2*) the Collector may exercise the powers of the president for the purpose of calling such meeting.

President and vice-president to continue to carry out certain duties until their successors take over charge.

27. On the expiry of the term of office of a local board the president and vice-president shall continue to carry out the current administrative duties of their offices until such time as a new president and vice-president shall have been elected and shall have taken over charge of their duties:

Provided that in the case of the new board constituted under this Act, a meeting for the election of a new president shall be called by the president of the retiring board.

[3][The president or vice-president of the retiring board and, in their absence, the chief officer, if any, shall preside at such meeting, and the new board shall then elect its own chairman for that meeting: provided that (*a*) if the president or vice-president so presiding is a member of the new board, he shall be entitled to vote only as such member, and (*b*) the chief officer, when so presiding shall have no right to vote. In case of an equality of votes the result of the election of the chairman shall be decided by lot to be drawn in the presence of the person presiding in such manner as he may determine. The chairman so elected shall then preside at such meeting and the meeting shall then proceed to elect the new president.]

[4][Provided further that, where no meeting for the purpose of such election has been held within fifteen days from the expiry of the term of office, the Collector may exercise the powers of the president for the purpose of calling such meeting.]

Term of office.

28. Except as is otherwise provided in this Act or in any other law for the time being in force, members of local boards shall hold office for a term of three years extensible by order of the Commissioner to a term not exceeding in the aggregate four years if on any occasion the Commissioner shall think fit, for reasons which shall be notified, together with the order, in the [5][*Official Gazette*], so to extend the same.

Extension of term of office of members of local boards in Sind.

[6][**28A.** Notwithstanding anything contained in section 28, the term of office of the members of all local boards in Sind is hereby extended up to and inclusive of the 31st day of March 1933.]

---

[1] This portion was inserted by Bom. 10 of 1949, s. 5 (*b*).

[2] These words were substituted for the original words, *ibid.*

[3] These words were substituted for the words "The president of the retiring board shall preside at such meeting and the new board shall then elect its own chairman for that meeting and then the meeting shall proceed to elect the new president," by Bom. 4 of 1930, s. 3.

[4] This proviso was added by Bom. 10 of 1927, s. 2.

[5] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.

[6] This section was inserted by Bom. 5 of 1932, s. 2.

Resignation of office as member of board.

[1][29. (*1*)] The vice-president or any member of a local board other than the president may resign his office as a member of the board by giving notice in writing to the president. The president may resign his office as a member of the board by giving notice in writing to the Commissioner.

Resignation of president and vice-president.

[2][(*2*) The vice-president may resign his office as vice-president by giving notice in writing to the president. The president may resign his office as president by giving notice in writing to the Commissioner.]

Disqualification of member after election.

30. (*1*) Any member of a local board who, during the term for which he has been elected or appointed—

(*a*) becomes disqualified under sub-section (*1*) of section 9, or

(*b*) having any share or interest such as is described in clause (*a*) or (*b*) of sub-section (*2*) of section 9, acts as a member of the local board in any matter relating to a contract or agreement between the local board and the company or society or the manager or publisher of the newspaper described in the said clauses, or

(*c*) is absent for more than four consecutive months from the district or taluka for which the board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the board, or in the case of a vice-president by the president, or absents himself for six consecutive months from meetings of the board without the leave of the board,

shall cease to be a member and his office shall become vacant :-

[3][Provided that where an application is made by a member to the local board for leave to absent himself under clause (*c*) and the Board fails to inform the applicant of its decision on the application within a period of three months from the date of the application, the leave applied for shall be deemed to have been granted by the Board.]

(*2*) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Commissioner shall be final for the purpose of deciding such question, dispute or doubt.

Removal of member for misconduct, etc.

31. [4][The Provincial Government] in the case of a district local board, and the Commissioner in the case of a taluka local board, may, if it or he thinks fit, on the recommendation of the local board, remove any member of such local board, elected or appointed under this Act, after giving him an opportunity of of being heard and after such inquiry as [4][the Provincial Government)] or the Commissioner, as the case may be, deems necessary if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member of the local board.

Vacancies to whom to be communicated.

32. (*1*) On the occurrence of any vacancy in a local board the president shall forthwith communicate such occurrence to the Collector.

---

[1] Section 29 was renumbered as section 29 (*1*) by Bom. 10 of 1927, s. 3.

[2] Sub-section (*2*) was added, *ibid.*

[3] This proviso was added by Bom. 10 of 1949, s. 6.

[4] The words "the Provincial Government", were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

(*2*) If the member of such board whose seat has become vacant was a nominated member, and the Collector is not authorised under section 5 to appoint members of such boards, the Collector shall on receipt of such communication forward it to the officer, if any, authorized, as aforesaid, or, if no officer is so authorized, to [1][the Provincial Government] through the Commissioner.

Casual vacancies how to be filled up.

33. In the event of a vacancy occurring on account of the death, resignation, disqualification, or removal of a member of a local board or through a member becoming incapable of acting, previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person, thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred :

[2][Provided that notwithstanding anything contained in section 5, if the vacancy be of an elected member and occurs within four months preceding the date on which the term of office of the members of the local board expires under section 28, the vacancy shall not be filled.]

Temporary provisions pending election of boards under this Act.

34. Notwithstanding anything contained in this Act, local funds shall be administered, so far as may be under the provisions of this Act, by the local boards deemed to have been established under the provisions of this Act under clause (*4*) of section 4, as constituted immediately prior to the coming into force of the provisions of this Act, until such date as [1][the Provincial Government] shall prescribe in this behalf in respect of each such board. The president, vice-president and members of such boards as constituted immediately prior to the passing of this Act shall be deemed to have been appointed or elected under the provisions of this Act and their term of office shall expire on the aforesaid prescribed date.

CHAPTER III—Conduct of Business of Local Boards.

Meetings of local boards.

35. (*1*) A local board shall meet together not less than once in every three months and shall from time to time make regulations, consistent with this Act and with any rules or orders made by [1][the Provincial Government] in this behalf under clause (*c*) of section 133 with respect to the place, day, hour, notice, management, and adjournment of such meetings and generally with respect to the transaction of business, as it thinks fit, subject to the provisions of the following sub-sections.

(*2*) (*a*) The president shall fix the dates for the quarterly meetings hereinbefore prescribed and may whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting.

(*b*) [3][Fifteen] clear days' notice of a quarterly meeting and [4][ten] clear days' notice of a special meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] This proviso was inserted by Bom. 16 of 1935, s. 2.

[3] The word "Fifteen" was substituted for the word "Twenty-one", by Bom. 8 of 1934, s. 2.

[4] The word "ten" was substituted for the word "fourteen", *ibid.*

members and posted up at the local board office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in any written request made for such meeting.

(*c*) If less than one-third of the whole number of members be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the local board office, and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be a quorum present or not.

(*d*) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the board such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

(*e*) Every meeting shall be presided over by the president, or he be absent, by the vice-president, and if both the president and vice-president are absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(*f*) All questions shall be decided by a majority of votes of the members present, the president, vice-president or chairman, as the case may be, having a second or casting vote in all cases of equality of votes.

(*g*) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any quarterly meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(*h*) Any quarterly meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(*i*) No resolution of a local board shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of members and passed at a quarterly meeting, whereof notice shall have been given fulfilling the requirements of clause (*b*) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(*j*) Except for reasons which the presiding authority deems emergent, no business relating to any work which is being executed, or which under section 45 may only be executed for the board by the Government Executive Engineer of the district, or to any educational matter, shall be transacted, at any meeting of a local board, unless at least fifteen days previous to such meeting a letter has been addressed to an officer of the Government Public Works and Educational

Departments, respectively—who is not a member of the board, but is entitled under section 40 to be present at such meeting informing him of the intention to transact such business thereat and of the motions or propositions to be brought forward concerning such business.

(*k*) Minutes shall be kept of the names of the members and of the Government officers, if any, present under the provisions of section 40 and of the proceedings at each meeting of the board, and if any member present at the meeting so desire, of the names of the members voting, respectively, for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president, vice-president or chairman of such meeting and shall at all reasonable times be open to inspection by any member of the board or by any inhabitant of the district.

(*l*) Every regulation made under this section by a taluka local board shall be subject to the approval of the district local board to which such taluka local board is subordinate.

Vacancy not to affect proceedings of board or committee.

(*3*) During any vacancy in a local board the continuing members may act as if no vacancy had occurred.

Acts of board, etc. not to be invalidated by informalities.

(*4*) No act of a board, or of any person acting as a member or as a president, vice-president or chairman, shall be deemed to be invalid by reason only of some defect in the appointment of such board, president, vice-president, chairman, or member, or on the ground that they, or any of them, were disqualified for the office of members, or that formal notice of the intention to hold a meeting of the board was not duly given, or for any other such mere informality.

Standing Committee.

36. (*1*) Every local board shall appoint a standing committee consisting of such number of members not being more than seven and not less than five as the board may determine.

(*2*) The standing committee shall perform the functions allotted to it under this Act, and subject to any limitations or other provisions contained in rules made under section 133, clause (*c*) or regulations made under section 35, sub-section (*1*), shall exercise all the powers and perform all the duties of the local board which have not been delegated to any other committee.

(*3*) The president shall be *ex-officio* a member and chairman of the standing committee in addition to the members appointed under sub-section (*1*).

Public Health Committee.

37. (*1*) Every district local board may appoint a public health committee, consisting of such members of the board as the board may elect. The said members may co-opt the Civil Surgeon of the district or any medical or sanitary [1][servant of the Crown] or a legally qualified medical practitioner to be a member of the committee for a period not exceeding the term of their own office.

(*2*) Such committee shall, subject to any limitations or other provisions contained in rules made under clause (*c*) of section 133 or regulations made under sub-section (*1*) of section 35, perform the duties and exercise the powers of the district local board in regard to matters of public health and sanitation, and shall give effect to the provisions of this Act and to any by-laws framed under this Act

[1] The words "servant of the Crown" were substituted for the words "officer of the Government" by the Adaptation of Indian Laws Order in Council.

regarding such matters and may delegate any of its duties or powers to any member or honorary or stipendiary officer of the board. Such member or officer shall conform to any instructions that may from time to time be given by the board. The Committee may at any time withdraw any of the duties or powers so delegated.

Other executive committees.

38. (*1*) A local board may appoint committees consisting of such members as the local board may decide or any member or honorary or stipendiary officer of the board to exercise the powers and perform the duties of the local board in respect of any purpose subject to any limitations and provisions contained in rules made under section 133 (*c*) or regulations made under section 35 (*1*); not being where a public health committee has been appointed, powers or duties referred to in section 37, sub-section (*2*).

(*2*) Where a committee is appointed to manage a dispensary, the local board may appoint any local residents to be members of such committee.

(*3*) Any such committee, member or officer shall comply with any instruction that may from time to time be given by the board.

(*4*) The board may at any time discontinue or alter the constitution of any such committee or withdraw any of the powers or duties which any such committee, person or officer has been appointed to exercise or perform.

Abolition of taluka local boards and appointment of taluka committees.

[1][**38A.** (*1*) When, in the opinion of [2][the Provincial Government] it is in the interest of the inhabitants of a taluka that the taluka local board should be abolished, it shall be competent to [2][the Provincial Government] by notification in the [3][*Official Gazette*] to abolish the said taluka local board, from a date to be specified in the notification.

(*2*) Where a taluka local board is abolished under sub-section (*1*) [2][the Provincial Government] may, on an application made by the district local board or otherwise, by a notification in the [3][*Official Gazette*] direct that a taluka committee shall be appointed from a date to be specified in the notification for the area which was subject to the authority of such taluka local board.

(*3*) On the publication of the notification under sub-section (*2*), the district local board shall appoint a taluka committee in accordance with the provisions of sub-section (*4*).

(*4*) A taluka committee shall consist of such number of members not being less than seven as shall be prescribed by an order made under clause (*cc*) of section 133. Every member of the district local board resident within the area for which a taluka committee is appointed shall be *ex-officio* a member of the taluka committee and the remaining members of the taluka committee shall be appointed by the district local board from among persons resident in the said area in a manner prescribed by rules made under clause (*cc*) of section 133.

(*5*) A taluka committee shall, subject to any limitations or other provisions contained in rules made under clause (*cc*) of section 133 or regulations made under sub-section (*1*) of section 35, exercise such powers and perform such duties of supervision and advice as may be assigned to it by the district local board.

---

[1] Section 38A was inserted by Bom. 6 of 1935, s. 3.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

(*6*) The provisions of sections 39 to 41 shall so far as may be, apply to a taluka committee.]

Committees. Term of Office. Vacancies. Chairman. Procedure. Meetings. Adjournments. Quorum.

39. (*1*) The term of office of the members of a committee shall expire on the termination of one year from the date of appointment of the members or on such earlier date as the local board may direct.

(*2*) A vacancy occurring in any committee shall as soon as possible be filled up by the appointment or co-option as the case may be of a member thereto. A member appointed under this sub-section shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

(*3*) (*a*) The president or vice-president, if appointed a member of any committee, shall be *ex-officio* chairman thereof.

(*b*) A local board may appoint a chairman for a committee of which there is no *ex-officio* chairman.

(*c*) A committee of which there is an *ex-officio* chairman or a chairman appointed by the local board, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.

(*d*) A committee, of which there is no *ex-officio* chairman or chairman appointed by the local board, shall appoint from time to time a chairman from the members of such committee.

(*4*) The provisions of section 35, sub-section (*2*), clauses (*f*), (*j*) and (*k*) and sub-sections (*3*) and (*4*), shall apply to committees as if the word "committee" had been substituted for the words "board" or "local board".

(*5*) A committee may meet and adjourn as it thinks proper; but the chairman of a committee may whenever he thinks fit, and shall upon the written request of the president of the local board or of not less than two members of the committee and for a date not more than two days after the presentation of such request, call a special meeting of such committee.

(*6*) No business shall be transacted at any meeting of a committee unless more than one-half of the members of the committee be present thereat.

Certain Government officers may attend meetings of district local boards.

40. (*1*) The Executive Engineer, the Educational Inspector and the Deputy Director of Public Health, and the Civil Surgeon of a district, when charged with any of the duties of a health officer therein, [1]* a Deputy Director of Agriculture or an Assistant Registrar of Co-operative Societies charged with any duties of his office in the district, if not members of the district local board, [2][and, in the case of educational matters, when the chairman of the school board is not a member of the district local board, such chairman or the vice-chairman or the administrative officer of the school board or, when the chairman is a member of the district local board but is for any reason unable to be present, the vice-chairman or the administrative officer of the school board,] shall have the right of being present at any meeting of the said board, or of any committee thereof, and with the consent of the board or committee, each of them may take part at such meetings in the discussion or consideration of any question on which in virtue of the duties of his office he considers his opinion or the information which he can supply will be useful to such board or committee: provided that the said [3][persons] shall not, unless they are members of the board, be entitled to vote upon any such question.

---

[1] The word "and" was repealed by Bom. 10 of 1927, s. 4 (*i*).

[2] These words were inserted, *ibid.*, s. 4 (*ii*).

[3] The word "persons" was substituted for the word "officers", *ibid.*, s. 4 (*iii*).

(2) Any officer of the Government, Public Works Department not lower in rank than an overseer employed in a taluka, and any officer of the Government, Educational Department not lower in rank than the Assistant Deputy Educational Inspector of a taluka may, in the like circumstances and subject to the same proviso, take part in the discussion or consideration of any such question as aforesaid at any meeting of the taluka local board of such taluka or of any committee of the said board. Certain Government officers may attend meetings of taluka local boards.

(3) If it shall appear to a district local board or to a taluka local board that the presence of any of the above officers respectively is desirable in the circumstances aforesaid at any future meeting of such board, or of any committee thereof, it shall be competent to such board by letter addressed to such officer not less than fifteen days previous to the intended meeting to require his presence thereat; and the said officer, unless prevented by sickness or other reasonable cause, shall be bound to attend such meeting. Local boards may require the presence of the said officers at their meetings.

41. (1) Whenever it appears to the president of a local board, or to the chairman of a committee unnecessary to convene a meeting, he may instead of so doing circulate a written proposition of his own, or of any other member of such board or committee, or of any executive officer of the board for the observations and votes of the members. President may circulate written propositions.

(2) Previous to circulating any such propositions for the votes of members the president or chairman may, if he thinks fit, and if the business to which it relates is of the nature described in clause (*j*) of sub-section (2) of section 35 shall obtain thereupon the remarks, if any, which any Government officer, not a member of the board, who is entitled under the provisions of section 40 to be present at any meeting at which such proposition might be considered, desires to record.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members who vote upon it, unless a special meeting is convened to consider the proposition under clause (*a*) of sub-section (2) of section 35 or sub-section (5) of section 39.

(4) Every decision arrived at by the board under this section shall be recorded in the minute-book kept under clause (*k*) of sub-section (2) of section 35 or sub-section (4) of section 39.

42. (1) The president of a local board may, on behalf of the board, enter into any contract or agreement in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf: provided that the amount or value of such contract or agreement shall not exceed five hundred rupees in the case of a district local board, or two hundred rupees in the case of a taluka local board. Mode of executing contracts.

(2) Every other contract or agreement on behalf of a local board shall be in writing, and shall be signed by the president and by two other members of the board, and sealed with the common seal of the board.

(3) No contract or agreement not executed as in this section provided shall be binding on a local board.

43. (*a*) Except as is hereinafter otherwise provided, no member of a local board shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of such board; the local fund at the disposal of each local board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses: Local funds ordinarily liable for all costs and expenses incurred by boards

But members to be held responsible for misapplied or wasted funds and property.

(*b*) Provided that every member of a local board shall be personally liable for the misapplication of any money or other property of the local board, to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the local board concerned, with the sanction of [1][the Provincial Government] or by [1][the Provincial Government] for recovery of or compensation for the misapplication of such money or property; and any money or property so recovered by [1][the Provincial Government] shall after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the local board.

Power to compromise.

44. (*1*) A local board may compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(*2*) A local board may make compensation out of the local fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.

Works to be executed by the Government Executive Engineer.

45. (*1*) Such of the works for which plans and estimates prepared or approved by the Government Executive Engineer of the district are required by clause (*b*) of sub-section (*1*) of section 89 as [1][the Provincial Government] shall from time to time by a general or special order direct, shall be executed by the said Executive Engineer, who for this purpose shall exercise the same powers as if he were executing a work for [1][the Provincial Government], and shall have control over all officers and servants of the local board, if any, assisting in the execution of any of the said works.

Works which may be executed by other agency.

(*2*) All other works shall be executed by such agency and subject to such supervision as the local board at whose cost any such work is to be executed thinks fit: provided that any such work shall be executed by the Government Executive Engineer of the district in the manner described in sub-section (*1*) if the said board communicates a desire to that effect.

Payment of Government establishment employed by Government Executive Engineer.

(*3*) When any work is executed under this section by a Government Executive Engineer either wholly or partly with the aid of his own Government establishment, such charge shall be payable on account of such establishment by the local board at whose cost the work is being executed as shall be agreed upon between such board and the said Executive Engineer: provided that no charge shall in any case be made on account of the services of the Executive Engineer.

Repairs not to be commenced without plans and estimates.

[2]**[45A.** No work of repairs shall be commenced unless a detailed estimate of the cost of such work has been approved by the local board and in the case of a work of which the total cost is to exceed three thousand rupees, plans and estimates have either been prepared or approved by the Government Executive Engineer of the district, or by an Engineer employed by the board and approved by [1][the Provincial Government].]

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] Section 45A was inserted by Bom. 10 of 1927, s. 5.

Joint committees of two or more local bodies.

46. (*1*) A district local board may, from time to time, concur with any other district local board or with any municipality or cantonment [1][authority], or with more than one such local board, municipality or [1][authority]—

(*a*) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a chairman of such committee ; and

(*b*) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies ; and

(*c*) in framing and modifying rules for regulating the proceedings of any such committee and the conduct of correspondence, relating to the purpose for which the committee is appointed.

[2][(*1A*) A district local board may from time to time enter, subject to the sanction of [3][the Provincial Government], into an agreement with a district local board, municipality, cantonment authority or committee appointed for a notified area or with a combination of any such bodies, for the levy of octroi duty whereby the octroi duties respectively leviable by the bodies so contracting may be levied together instead of separately within the limits of the area subject to the control of the said bodies.]

Explanation.—For the purpose of this sub-section, octroi duty includes a terminal tax.

(*2*) Where [4][a district local board] has requested the concurrence of any other local authority under the provisions of sub-section (*1*) [5][or (*1A*)] in respect of any matter and such other local authority has refused to concur, the Commissioner may pass such orders as he may deem fit requiring the concurrence of such other local authority, not being a cantonment [6][authority], in the matter aforesaid and such other local authority shall comply with such orders.

(*3*) If any difference of opinion arises between local bodies [7][acting under this section] the decision thereupon of [8]* * * [3][the Provincial Government], [9][or of such officer as it appoints in this behalf] shall be final :

[10][Provided that, where one of the local bodies is a cantonment authority, the decision of the Provincial Government, or of the officer, shall be subject to the concurrence of the Central Government.]

---

[1] The word "authority" was substituted for the word "Committee" by Bom. 14 of 1934, s. 3 (*1*) (*i*).

[2] This sub-section was inserted, *ibid.*, s. 3 (*1*) (*ii*).

[3] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "a district local board" were substituted for the words "any local authority", *ibid.*, s. 3 (*1*) (*iii*) (*a*).

[5] The word, figure, letter and brackets "or (*1A*)" were inserted, *ibid.*, s. 3 (*1*) (*iii*) (*b*).

[6] The word "authority" was substituted for the words "Committee" by Bom. 14 of 1934, s. 3 (*iii*) (*c*).

[7] The words "acting under this section" were substituted for the words, figures and brackets "having concurred in any action under sub-section (*1*) or (*2*), in respect of any matter arising out of such action", *ibid.*, s. 3 (*1*) (*iv*) (*a*).

[8] The words "the Commissioner, if the local bodies are in one division, and of" were deleted, *ibid.*, s. 3 (*1*) (*iv*) (*b*).

[9] The words "or of such officer as it appoints in this behalf" were substituted for the words "if they are in different divisions", *ibid.*, s. 3 (*1*) (*iv*) (*c*).

[10] This proviso was inserted by the Adaptation of Indian Laws Order in Council.

CHAPTER IV—INCORPORATION OF LOCAL BOARDS, PROPERTY, POWERS AND DUTIES.

Incorporation of local boards.

47. Every local board shall be a body corporate by the name of "The District Local Board of " or "The Taluka Local Board of " as the case may be, and shall have perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both moveable and immovable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any moveable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act:

Provided that no lease of immovable property for a term exceeding seven years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Commissioner.

Vesting of future local works.

48. Every road, building or other work constructed by a local board shall vest in such local board.

Power to decide whether property vest in taluka or district board.

49. When any doubt arises whether any property vests in the local board established for any taluka or in the district local board having authority over such taluka, [1][the Provincial Government] may decide in which of the two boards it vests, and any such decision shall be final.

Obligatory duties.

50. It shall be the duty of local boards, so far as the local fund at their disposal will allow, to make adequate provision for the areas respectively subject to their authority in regard to the following matters, namely:—

(*a*) the construction of roads and other means of communication and the maintenance and repair of all roads and other means of communication vesting in them;

(*b*) the construction and repair of hospitals, dispensaries, markets, dharmasalas and other public buildings and the visiting, management and maintenance of these institutions;

(*c*) the construction and repair of public tanks, wells and water-works, the supply of water from them and from other sources, and the construction and maintenance of works for the preservation of water for drinking and cooking purposes from pollution;

(*d*) the provision of suitable accommodation for, and the visiting and maintenance of primary schools, and the payment if necessary, of stipends to persons qualifying as teachers for primary schools during the period of their training for such qualification, and the general development and extension of primary education;

(*e*) public vaccination, and sanitary works and measures necessary for the public health;

(*f*) the planting and preservation of trees by the side or in the vicinity of roads vesting in such boards;

(*g*) the maintenance of any property vesting in them; and

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

(*h*) the payment at such rates and subject to such conditions as [1][the Provincial Government] from time to time by general or special order may direct of the expense of maintenance and treatment in any institution which [1][the Provincial Government] declares by notification to be suitable for such purpose, either within or without the district, and other necessary expenses, of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institutions, and proceeding to and returning from such institutions; and local boards may at their discretion provide out of the said fund for the following matters, namely :— Discretionary powers of expenditure.

(*i*) the payment to members of the board of expenses incurred in travelling for the purpose of the business of the board, in accordance with rules made in this behalf under clause (*d*) of section 133, provided that no such payment shall be made to a salaried [2][servant of the Crown] [3][who is in receipt of travelling allowance as such [4]* * *];

(*j*) the establishment and maintenance of model farms, the acclimatization of exotics, the importation and distribution of superior kinds of seed, the improvement of the breed of cattle and horses, the introduction and preservation of fish and the advancement and improvement of agriculture and local industries;

(*k*) the establishment and maintenance of relief and local relief works in time of famine or scarcity;

(*l*) educational objects other than those set forth in clause (*d*) of this section;

(*m*) the construction, management and maintenance of light-railways and tramways;

[5][(*mm*) the construction, maintenance, management, organisation or purchase of telephone lines, or the guaranteeing of payment of interest on money expended for the construction of a telephone line, provided however, that, when the line extends beyond the limits of the area subject to the authority of the local board, the previous sanction of the Commissioner is necessary.]

(*n*) any other local works or measures likely to promote the health, safety, comfort or convenience of the public; and

(*o*) with the previous concurrence of the Collector, any public reception, ceremony, entertainment or exhibition.

[6][**50A.** It shall be lawful for a district local board to undertake upon such terms and conditions as may be agreed upon, the construction, maintenance or repair of any work or the management of any institution on behalf of [7][the Central or the Provincial Government] or any other local authority or the Court of Wards.] Power of district local board to construct other works and manage other institutions.

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "servant of the Crown" were substituted for the words "servant of the Government", *ibid.*

[3] These words were added by Bom. 5 of 1928, s. 2.

[4] The words "Government servant" were omitted by the Adaptation of Indian Laws Order in Council.

[5] Clause (*mm*) was inserted by Bom. 10 of 1927, s. 6.

[6] Section 50A was inserted by Bom. 16 of 1935, s. 3.

[7] The words "the Central or the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

Relative duties of taluka and district local boards.

51. (*1*) Subject to the control of the district local board and, as regards educational matters, to the provisions of proviso (*b*) to section 80, each taluka local board shall, within the area subject to its authority, have the control and administration of all purely local roads, works and buildings maintained at its cost and also of all local services and institutions except such as the district local board thinks fit to take under its own direct control and administration.

(*2*) In respect of roads, works, buildings, services and institutions in the control and administration of the district local board, each taluka local board shall, if the district local board so desires, be the agent of the district local board and, as such agent, shall exercise such authority and perform such duties as the district local board may from time to time in writing delegate to it.

CHAPTER V—Sanitary and other Powers.

Power to enter and inspect, etc., buildings.

52. The president of the district local board, or any person authorized by the said board in this behalf, may at any time between sunrise and sunset, on giving notice in the manner hereinafter provided, enter into and inspect all buildings and lands, and by written notice direct that all or any part thereof shall be cleansed, cleared or otherwise put in a proper state for sanitary reasons.

Filthy buildings, etc.

53. Whoever, being the owner or occupier of any building or land, whether tentable or otherwise, suffers the same to be in a filthy or unwholesome state, or, in the opinion of the district local board, a nuisance to persons residing in the neighbourhood, or overgrown with prickly pear or rank and noisome vegetation, and who shall not, within a reasonable time after notice in writing from any person authorized by the district local board in this behalf to cleanse, clear or otherwise put the same in a proper state, have complied with the requisition contained in such notice, shall on conviction before a Magistrate be liable to a fine not exceeding rupees twenty-five and if the offence be a continuing one to a further fine not exceeding rupees five for every day during which the said offence is continued after conviction.

Powers and duties with regard to sources of water-supply.

54. The president of the district local board or any person authorized by the said board in this behalf may at any time by written notice require that the owner of, or any person who has control over, any well, stream, channel, tank, or other source of water-supply shall, whether it is private property or not,

(*a*) if the water is used for drinking—

(*i*) keep and maintain any such source of water-supply, other than a stream, in good repair, or

(*ii*) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(*iii*) in such manner as the board directs, protect any such source of water supply from pollution by surface drainage, or

(*iv*) desist from using and from permitting others to use for drinking purposes any such source of water-supply, which not being a stream in its natural flow, is in the opinion of the board unfit for drinking, or

(*v*) if notwithstanding any such notice under sub-clause (*iv*) such use continues and cannot in the opinion of the board be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the board considers sufficient to prevent such use, such source of water-supply, or

(*vi*) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto any stagnant water which the board considers it injurious to health or offensive to the neighbourhood ;

(*b*) within twenty-four hours of such notice, repair, protect or enclose in such manner as the board may direct or approve, any such source of water-supply, whether used for drinking puposes or not, other than a stream in its natural flow, is for want of sufficient repair, protection or enclosure, such source of water-supply is in the opinion of the board dangerous to the health or safety of the public or of any persons having occasion to use or to pass or approach the same.

Remedy on non-compliance with directions issued.

55. If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 54 the district local board may, and, if in the opinion of the president immediate action is necessary to protect the health or safety of any person, shall at once proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner of, or person having control over, such water-supply, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII :

Provided that in the case of any well or private stream or any private channel, tank or other source of water-supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by such owner or person having control may, if the district local board so directs, be paid from the portion of the local fund at the disposal of such board.

Power to set apart public springs, etc., for certain purposes.

56. (*1*) The district local board may by public notice, which shall be put up at the spring, tank, well or other place concerned and otherwise as required by this Act, set apart public springs, tanks, wells and other places and parts of public water courses for drinking purposes or for bathing or for washing clothes or animals or any other purpose calculated to promote the health, cleanliness, comfort or convenience of the inhabitants ; and with the consent of the owners, may also set aside any private springs, tanks, wells or other places for any of the aforesaid purposes.

Power to prohibit use of water from certain sources.

(*2*) The district local board may, during epidemics, on receipt of a certificate from any medical officer in the employ of the board or of the [1][Crown] stating that such action is desirable, summarily by notice prohibit the use of water from any source to which the public have access. Such notice shall be served by putting up a copy thereof near the source of water-supply or by beat of drum, stating the number of days during which such prohibition shall last. The district local board may extend or modify the notice from time to time without the production of a further certificate.

Penalty for using places set apart for other purposes.

57. Whoever—

(*a*) bathes in or defiles the water in any place set apart for drinking purposes by the board, or in the case of private property by the owner thereof, or

(*b*) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes, or

(*c*) washes clothing in any place set apart as aforesaid for drinking or bathing, or

[1] The word "Crown" was substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*d*) washes any animal or any cooking utensils or wool, skins or other foul or offensive substance, or deposits any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or bathing or washing clothes, or

(*e*) allows the water from a sink, sewer, drain, engine or boiler, or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes, shall, on conviction before a Magistrate be liable to a fine not exceeding rupees fifty, and if the offence be a continuing one, to a further fine not exceeding rupees ten for every day during which the said offence is continued after conviction.

Abatement of nuisance from foul water.

58. When any pool, ditch, tank, pound, well, hole or any waste or stagnant water, or any channel or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise, shall appear to the district local board to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the district local board may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall in its opinion, be necessary to abate or remove the nuisance.

Closing of places for the disposal of the dead.

59. (*1*) If the district local board is of opinion that any place in the district which is used for the disposal of the dead is in such a state as to be, or to be likely to become injurious to health, it may submit its opinion, with reasons therefor to the Commissioner. The Commissioner may thereupon, after such further inquiry, if any, as he shall deem fit to cause to be made, by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the notification.

(*2*) A copy of the said notification with a translation thereof in the vernacular of the district, shall be published in the local newspapers, if any, and shall be posted up at the district local board office and in one or more conspicuous spots on or near the place to which it relates.

(*3*) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for closure thereof or buries any corpse in any unoccupied [1][Crown] land not set aside for the burial of the dead under the provisions of any law for the time being in force or by established usage, shall on conviction before a Magistrate be liable to a fine not exceeding rupees one hundred.

President, etc., to have power of entry for inspection into buildings, etc., where infectious disease exists.

60. (*1*) The president of any district local board or any person authorized by the board in this behalf, may enter at any time, after reasonable notice, into any building or premises in which any dangerous infectious disease is reputed or suspected to exist for the purpose of inspecting such building or premises.

Inspection to be made between sunrise and sunset.

(*2*) No such inspection shall be made except between sunrise and sunset.

[1] The word "Crown" was substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

(*3*) If the district local board is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous infectious disease, it may by notice require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice: provided that if the board considers that immediate action is necessary or that the owner or occupier is, by reason ot poverty or otherwise, unable effectually to comply with its requisition, the board may itself cause such building or premises or articles to be cleansed or disinfected, and for this purpose may cause such articles to be removed from such building or premises; and the expenses incurred by the board under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectually to comply with its requisition. Disinfection of buldings, etc.

61. (*1*) The district local board shall, from time to time, notify places at which articles of clothing or bedding or other articles which have been exposed to infection from any dangerous infectious disease may be washed or disinfected. District local board to notify places for washing and disinfecting articles, exposed to infection.

(*2*) The district local board may direct the destruction of clothing, bedding or other articles likely to retain such infection, and shall on demand give compensation for the articles destroyed. Infected articles may be destroyed

(*3*) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (*1*), shall on conviction before a Magistrate be liable to a fine not exceeding rupees fifty. Penalty.

[1][**61A.** (*1*) Whoever on any part of a public road, land or building, after it has vested in, or has become the property of, a local board, shall build, or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, or shall deposit, or cause to be placed or deposited, any box, bale, package or merchandise or any other thing on any part of any such road, land or building, or in, or over, or upon, any open drain, gutter, sewer or aqueduct in such road, land or building, shall be punished with fine which may extend to twenty-five rupees. Obstructions and encroachments upon public roads, land or building.

(*2*) The local board shall have power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII:

Provided that, before proceeding to remove any such obstruction or encroachment, the local board shall by written notice call upon the person who has caused such obstruction or encroachment to remove it within a reasonable time to be specified in the notice, or to show cause why the same should not be removed.

(*3*) Nothing contained in this section shall prevent a local board from allowing any temporary occupation of or erections on any public road, which vests in it or is its property, on occasions of festivals and ceremonies, or for the piling of fuel on any part of such road for not more than [2][fifteen days] and in such manner as not to inconvenience the public or any individual.

---

[1] Section 61A was inserted by Bom. 10 of 1927, s. 7.

[2] The words "fifteen days" were substituted for the words "a week" by Bom. 16 of 1933, s. 3 (*a*).

[1][(*4*) Notwithstanding anything contained in section 47, it shall be competent to a local board to lease or to permit a temporary use of land forming part of a public road when such land is not, in the opinion of the local board, required for a public road or for any other of the purposes of this Act, for a period not exceeding seven years :

Provided that, if the lease or permit does not exceed one year, the previous sanction of the Collector, and if the lease or permit exceeds one year but does not exceed seven years, the previous sanction of the Commissioner, shall have been obtained to such lease or permit].

Powers of inspection of weights and measures, etc.

[2][**61B.** The president, vice-president, or any councillor or officer authorized by the local board in this behalf may at all reasonable times enter into any place [3][(other than a place prescribed by rules made under the Bombay Weights and Measures Act, 1932)] where weights or measures or weighing or measuring instruments are used or kept for the purpose of trade and inspect such weights or measures or weighing or measuring instruments.] Bom. XV of 1932.

District local board empowered to make by-laws.

62. (*1*) The district local board may, from time to time, with the sanction of the Commissioner, make by-laws and cancel or alter the same :—

(*a*) for the general or special regulation, control or prohibition of the use of markets, dairies, creameries, grainaries, grainshops, slaughter houses, cart-stands burial and burning grounds, offensive trades, and all matters connected with conservancy ;

(*b*) for regulating the use of public roads and the traffic thereon ; and for securing cleanliness, safety and order in respect of the same ; and

(*c*) for carrying out all the purposes of this Act,

and may impose fines and penalties for the infringement of such by-laws.

Infringement of by-laws.

(*2*) No by-law shall be repugnant to any law in force, and no fine for any one infringement shall exceed rupees fifty : provided that in the case of a continuing infringement the offender may by any by-law be made liable to further fine not exceeding rupees ten for every day during which such infringement is continued after conviction.

Confirmation of by-laws.

(*3*) No by-law or cancellation or alteration of a by-law shall have effect until the same has been approved and confirmed by [4][the Provincial Government.]

By-laws to have the force of law.

(*4*) All by-laws when they have been duly confirmed shall have the force of law.

Service of notices, etc., addressed to individuals.

63. The service of every notice and the presentation of every bill under this Act on any person or to any person to whom it is by name addressed shall, in all cases not otherwise specially provided for in this Act, be effected by a district local board officer or servant or other person authorized by the district local board in this behalf, or on such terms as may be agreed upon, by any officer or [5][servant of the Crown]—

(*a*) by giving or tendering the notice or bill to the person to whom it is addressed ; or

---

[1] This sub-section was added by Bom. 16 of 1933, s. 3 (*b*).

[2] This section was inserted by Bom. 15 of 1932, Second Schedule, Pt. I.

[3] These words, figures and brackets were inserted by Bom. 9 of 1935, s. 6 (*1*).

[4] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[5] The words "servant of the Crown" were substituted for the words "servant of the Government", *ibid.*

(*b*) if such person is not found by leaving the notice or bill at his last known place of abode, if within the district, or by giving or tendering the notice or bill to some adult male member or servant of his family ; or

(*c*) if such person does not reside within the district, and his address elsewhere is known to the president or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post under cover bearing the said address ; or

(*d*) if none of the means aforesaid be available then by causing the bill or notice to be affixed on some conspicuous part of the building or land, if any, to which the bill or notice relates.

Service of notices on owners or occupiers of buildings and lands.

64. When any notice under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

(*a*) by giving or tendering the notice to the owner or occupier, or if there be more owners or occupiers than one, to any one of them ; or

(*b*) if no such owner or occupier be found, then by giving or tendering the notice to some adult male member or servant of the family of any such owner or occupier as aforesaid ; or

(*c*) if none of the means aforesaid be available, then by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

Public and general notices how to be published.

65. Every notice which this Act requires or empowers a district local board to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the district local board office during such period and in such other public buildings and places, or is published in such local papers or in such other manner as the district local board in by-laws in this behalf directs.

Defective form not to invalidate notice.

66. (*1*) No notice or bill shall be invalid for defect of form.

Execution of acts required to be done by any notice.

(*2*) When any notice under this Chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(*3*) In the event of non-compliance with the terms of the notice the district local board may take such action or such steps as may be necessary for the doing of the act thereby required to be done, and all the expenses thereby incurred by the district local board shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in section 69.

Punishment for disobedience of orders and notices not punishable under any other section.

67. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a district local board under any power conferred by this Chapter, or fails to comply with the conditions subject to which any permission was given to him by the district local board under any power so conferred, shall, on conviction before a Magistrate if the disobedience or failure is not an offence punishable under any other section, be liable to a fine not exceeding rupees fifty and to a further fine not exceeding rupees five for every day during which the said disobedience or failure continues after conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

District local board in default of owner or occupier may execute works and recover expenses.

68. (*1*) Whenever, under the provisions of this Act, any work is required to be executed by the owner or occupier of any building, or land, and default is made in the execution of such work, the district local board, whether any penalty is or is not provided for such default, may cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII either in one sum or by instalments as to the district local board may seem fit.

Power to levy charges on occupier, who may deduct the sum from his rent.

(*2*) If the defaulter be the owner of the building or land, the district local board may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (*3*), the payment of all or any part of the expenses payable by the owner for the time being, from the person who then, or any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied from such occupier; and every amount so leviable shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as has been so paid by or recovered from such occupier in respect of any such expenses.

Occupiers not to be liable for more than the amount of rent due.

(*3*) No occupier of any building or land shall be liable to pay more money in respect of any expenses charged by this Act on the owner thereof, than the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord, has accrued and become payable by such occupier, unless he neglet or refuse, upon application made to him for that purpose by the district local board, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier:

Provided that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Expenses or costs how determined and recovered.

69. If a dispute arises with respect to any expenses or costs which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the district local board, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter VIII.

District local board may prosecute.

70. (*1*) The district local board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Act, or of any by-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the local fund:

Provided that no prosecution for an offence under this Act or of any by-law thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of Magistrate.

(*2*) Any prosecution under this Act or under any by-law thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Act or any by-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such Magistrate, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Damage to any local board property how made good.

71. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, any damage to the property of any local board shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of he damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such value on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

72. [1][In lieu of any process of recovery allowed by or under this Act or in case of failure to realise by such process] the whole or any part of any amount recoverable under the provisions of Chapter VIII or of any compensation, expenses, charges or damages awarded under this Act, the district local board may sue in any Court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any way caused any injury to any property, rights or privileges of the district local board.

Powers of police officers.

73. (*1*) Any police officer may arrest any person committing in his presence any offence against any of the provisions of this Act or of any by-law thereunder, if the name and address of such person be unknown to him, and if he decline to give his name and address, or if the police officer have reason to doubt the accuracy of such name and address if given, and such person may be detained at the station house until his name and address shall be correctly ascertained:

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before a Magistrate, or than twenty-four hours at the utmost.

(*2*) It shall also be the duty of all police officers to give immediate information to the president or an officer of the local board of the commission of any offence against the provisions of this Act or of any by-law thereunder, and to assist all local board officers and servants in the exercise of their lawful authority.

CHAPTER VI—Revenue and Expenditure.

Local fund, its custody and investment.

74. (*1*) There shall be in each district a fund which shall be called the local fund.

---

[1] These words were substituted for the original by Bom. 10 of 1949, s. 7.

(2) The local fund shall be kept in the Government treasury or in the bank to which the Government treasury business has been made over or in such other bank or co-operative society registered or deemed to be registered under the Co-operative Societies Act, 1912[1] as may be approved by [2][the Provincial Government] : II of 1912.

Provided that the district local board may from time to time, with the previous sanction of [2][the Provincial Government], [3]* * * * invest any portion of the fund in securities of the [4][Central Government] or such other securities as the [5][Provincial Government] may approve in this behalf, and vary such investments for others of the like nature ; and the income resulting from the securities and proceeds of the sale of the same shall be credited to the local fund.

Income of local fund.

75. The following shall form part of, or be paid into, the local fund :—

(*a*) the balance of the local fund of the district at the commencement of this Act ;

(*b*) the net proceeds (after deducting the expenses of assessment and collection) of any residue of the cesses payable in the district under the [6]Sind Local Funds Act, 1865, and [6]Bombay Local Funds Act, 1869 ; Bom. VIII of 1865.

(*c*) the net proceeds (after deducting the expenses of assessment and collection) of the cesses in the district authorized by sections 93 and 95 ; Bom. III of 1869.

[7](*d*) * * * * * *

(*e*) all rents and profits accruing from property (including ferries) [8]* * * * * vested in a local board ;

(*f*) the net proceeds (after deducting the expenses of collection) of all tolls and leases of tolls on roads and bridges vested in the local board which are levied in the district under the Tolls on Roads and Bridges Act, 1875 ; Bom. III of 1875.

[7](*g*) * * * * * *

[7](*h*) * * * * * *

[7](*i*) * * * * * *

(*j*) all sums received by a local board in the execution of, or from taxation under, this Act, and the interest on and the sale proceeds of any securities held by such board ;

(*k*) all sums contributed by private persons ;

(*l*) the proceeds of any fisheries vesting in a local board ;

(*m*) the receipts on account of charities and trusts placed under the management of a local board ; and

---

[1] *See* now the Bombay Co-operative Societies Act, 1925 (Bom. 7 of 1925.)

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[3] The words "and subject to any general or special orders of the Governor-General in Council" were omitted, *ibid.*

[4] The words "Central Government" were substituted for the words "Government of India", *id.*

[5] The words "Provincial Government" were substituted for the words "Governor-General in Council," *ibid.*

[6] These Acts have been repealed by Bom. 6 of 1923, s. 2.

[7] Clauses (*d*), (*g*), (*h*) and (*i*) were omitted by the Adaptation of Indian Laws Order in Council.

[8] The words "placed by the Government under the management of a local board or" were omitted, *id.*

(*n*) all grants [1]* * * made by [2][the Provincial Government] :

Provided that when a public ferry, road or bridge [3][vested in one or more than one local board] is partly in one district and partly in another, the Commissioner, if the districts are in one division, and [2][the Provincial Government] if they are in different divisions, may assign to the local fund of each district such proportion of the net proceeds of such ferry, or of the toll, or of the lease of the tolls levied on such road or bridge, as he or it shall think fit :

Provided further that if any road in a district is vested partly in local board and partly in [2][the Provincial Government], the Collector may assign to the local fund of the district such proportion of the net proceeds of the toll or of the lease of the toll levied on such road as he shall think fit :

[4][Provided also that a local board may, subject to the condition that reasonable provision shall be made for the performance of all obligations imposed or that may be imposed on it by or under this Act or any other law for the time being in force, credit to a seprate heading in the local board accounts any portion of the local fund set apart by it for any special purpose and shall credit to a separate heading any grant or donation received by it for any special purpose. Any grant or donation so credited by it shall be applied exclusively to the special purpose for which the same was received.]

Local fund by what boards to be expended.

76. (*1*) The local fund of a district shall be available for expenditure by or under the direction of each taluka local board for the purposes of this Act as follows :—

(*a*) the balance available for expenditure by or under the direction of such board at the commencement of this Act ; and

(*b*) the balance of the revenue described in clauses (*b*), (*c*), (*e*), [5]* * * (*j*) and (*k*) of section 75 accruing in the areas subject to the authority of such taluka local board, after the district local board shall have made provision therefrom for the portion to be devoted to educational purposes under section 80 and for such share of the charges payable by the district local board under sections 78 and 81 as the said board shall deem equitable.

(*2*) The remaining portion of the fund shall be available for expenditure by or under the direction of the district local board for the purposes of this Act.

Local fund where to be expended.

77. Expenditure by the local boards out of the local fund shall, save as otherwise provided by this Act, be made within the areas respectively subject to their authority only, but may, [6][where it does not exceed rupees two hundred with the sanction of the Collector and where it exceeds rupees two hundred] with the sanction of the Commissioner, be made outside that area for any of the purposes of this Act.

General charges to be defrayed by district local boards.

78. Every district local board shall, from the portion of the local fund at its disposal, defray—

(*a*) the salaries and other emoluments of all officers and servants maintained under section 119, and the pensions or other retiring allowances, if any, of such

---

[1] The words " and assignments of revenue " were omitted by the Adaptation of Indian Laws Order in Council.

[2] The words " the Provincial Government " were substituted for the words " the Government ", *ibid.*

[3] These words were inserted, *ibid.*

[4] This proviso was added by Bom. 4 of 1930, s. 3.

[5] The letters and brackets " (*g*), (*h*), (*i*) " were omitted by the Adaptation of Indian Laws Order in Council.

[6] These words were inserted by Bom. 16 of 1935, s. 4.

officers and servants, and the gratuities or compassionate allowances payable to the surviving relatives of such officers and servants; and such charges as may be agreed upon for the performance of any services for the board by any officer or [1][servant of the Crown];

(*b*) such sum as shall from time to time be fixed by [2][the Provincial Government] for the payment of the salaries [3][and allowances], of any officers or [1][servants of the Crown] employed by the board [4][and of such contributions for the pension of any such officers and servants as may be required, by the conditions of their service under the Crown, to be paid by them or on their behalf.]

Assignment of certain portions of revenue to municipalities or cantonment committees.

79. (*1*) Every district local board shall assign and cause to be paid out of the district local fund to every municipality and cantonment committee within the district for which such board has been established a sum equal to two-thirds of the amount of the revenue described in clauses (*b*) and (*c*) of section 75 levied from lands within the municipal district or cantonment subject to such municipality or committee, and may, in its discretion, assign and pay to every such municipality or committee, the whole of the said amount and such amount shall, at the request of the district local board, be ascertained and certified by the Collector.

(*2*) The sum assigned and paid shall be expended by the municipality or cantonment committee only for such purposes as are described in section 50, or for the remuneration of officers and servants whom it entertains for any of the said purposes; and a portion thereof equal to not less than one-third of the revenue described in sub-section (*1*) shall be expended by it for educational purposes only, as defined in clause (*d*) of section 50.

Expenditure for educational purposes to be made by district local boards only.

80. In every district the expenditure from the local fund for educational purposes as defined in clauses (*d*) and (*l*) of section 50 shall be made by the district local board only or by such authority as may be prescribed in any enactment for the time being in force, and for this purpose a sum equal to not less than one-third of the revenue described in clauses (*b*) and (*c*) of section 75 shall be set apart by the said board for expenditure by it on the said purposes (after deducting the sum or sums described in sub-section (*1*) of section 79):

Provided that—

(*a*) [5]* * * *

(*b*) the charges to be necessarily defrayed by each district local board or by such authority as aforesaid on account of primary education, the extent of the independent authority of district and taluka local boards in education and their relations generally with the Government Educational Department and with each other in educational matters shall be from time to time prescribed by rules made by [2][the Provincial Government] in this behalf under clause (*e*) of section 133.

The provisions of proviso (*b*) of this section shall apply also to municipalities and cantonment committees in respect of the sums to be expended by them under section 79 for educational purposes.

---

[1] The words "servant of the Crown" were substituted for the words "servant of the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the words "the Government", *ibid.*

[3] The words "and allowances" were substituted for the words "allowances and contributions for pension, according to the rules from time to time made by the Government," *ibid.*

[4] These words were inserted, *ibid.*

[5] Proviso (*a*) and the word "and" occurring at the end of the proviso were deleted by Bom. 16 of 1935, s. 5.

[1][**80A.** In any district notified by [2][the Provincial Government] in this behalf such specified portion of the net proceeds of the cess levied therein under section 95, as may be determined by [2][the Provincial Government], after consultation with the district local board concerned, shall be utilised towards the improvement of communications in irrigated tracts in that district.]

Cess on water-rate to be utilized towards improvement of communications in irrigated tracts.

[3][**80B.** Every district local board shall, out of the grant of land revenue made by the Provincial Government under section 118A, spend for the benefit of each taluka at least seventy-five per cent. of the amount of the grant of such revenue realised in the taluka.]

District local boards to spend 75 per cent. of grant of land revenue in talukas.

81. (*1*) The responsibility of district and taluka local boards, respectively, for expenditure in respect of matters other than education, shall be determined in accordance with the following provisions, namely :—

Provisions for determining by which boards expenditure should be incurred for other purposes.

(*a*) each local board shall be responsible for the maintenance of any building or other property which vests in it, and of any work which has been executed at its cost ;

(*b*) district local boards shall be responsible for the construction, maintenance and repair of the main roads and other means of through communication in the district vesting in them, for the maintenance of public vaccination and dispensaries and other similar local services and institutions of general benefit to the district, and for all matters in which two or more talukas are, or may be, interested ;

(*c*) taluka local boards shall be responsible for the construction and maintenance of all other roads and works which are purely local, and for all local services and institutions not maintained by the district local board ; and

(*d*) large works of the nature described in clause (*c*) of this section which are beyond the means at the disposal of a taluka local board may be undertaken by the district local board at its own cost, or the district local board may assist the taluka local board in undertaking the same by a grant-in-aid conditional upon a certain portion of the cost being contributed by the taluka local board or by private persons, or by both.

(*2*) If a difference of opinion arises between a district and a taluka local board as to which board is responsible for any charge, work, institution or service, the question shall be referred for the decision of the Commissioner, which shall be final.

82. (*1*) Subject to the provisions of sections 126 to 131 inclusive no payment shall be made from the Government treasury or by a bank or a co-operative society out of a local fund except upon a cheque or letter of credit signed by the president of the local board which requires such payment.

How the local fund shall be drawn against.

(*2*) Payment of any sum in excess of one hundred rupees shall be made by a local board by means of a cheque or letter of credit signed as aforesaid and not in any other way :

[4][Provided that in the case of expenditure from the local fund for educational purposes such payments shall be made in accordance with the provisions of the [5]Bombay Primary Education Act, 1923, and of the rules made thereunder.]

Bom. IV of 1923.

[1] This section was inserted by Bom. 22 of 1931, s. 2.

[2] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[3] This section was inserted by Bom. 10 of 1949, s. 8.

[4] This proviso was added by Bom. 10 of 1927, s. 8.

[5] See now the Bombay Primary Education Act, 1947 (Bom. 61 of 1947).

Accounts to be kept in form prescribed by the Provincial Government.

83. Accounts of the receipts and expenditure of every local board shall be kept in such form as [1][the Provincial Government] may from time to time by rule made in this behalf under clause (*f*) of section 133 prescribe, and shall be balanced annually on the last day of every financial or revenue year, as [2][the Provincial Government] may prescribe.

Publication of abstract of accounts annually.

84. An abstract of the accounts of every local board showing the amounts drawn from the local fund, the charges for establishment, and for all other expenses, the works undertaken, and the sums expended on each work, and the balance, if any, in hand, shall be forwarded by the president of the board every year, as soon as may be after the end of the year, in such form as [1][the Provincial Government] may from time to time by rule made in this behalf under clause (*f*) of section 133 prescribe, to the Collector or such other officer as the Collector nominates in this behalf and shall be published in the [3][*Official Gazette.*]

Return to be rendered to local boards of actual and estimated income of local funds.

85. (*1*) To enable local boards to prepare annual budget estimates, as hereinafter provided the Collector shall annually render to each taluka local board in his district, on or before such date and in such form as [1][the Provincial Government] from time to time directs, a return setting forth, for the taluka for which such board is established,—

(*a*) the actual receipts in the last complete official year,
(*b*) a revised estimate of the receipt in the current official year, and
(*c*) a first estimate of the probable receipts in the next following official year.

} from each of the sources from which the local fund is derived ;

and to the district local board a similar return for the whole district.

(*2*) The district local board shall, on or before such date as [1][the Provincial Government] from time to time may direct, communicate to each taluka local board in the district the probable amount of the revenue described in clauses (*b*) and (*c*) of section 75, which will be at the disposal of such taluka local board in the next following official year, explaining the manner in which, with reference to clause (*b*) of sub-section (*1*) of section 76 the said amount has been fixed.

Preparation of annual budget estimates of income and expenditure.

86. (*1*) Every local board shall have prepared annually, on or before such date and in such form as [1][the Provincial Government] from time to time by rule made in this behalf under clause (*f*) of section 133 prescribes, a budget estimate of the income and expenditure of the board for the next official year.

Consideration and approval of budget estimates by the board.

(*2*) The board shall, or on as soon as may be after the said date, consider the budget estimate so prepared and approve the same with or without modification as it shall think fit.

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*," *ibid.*

Taluka local boards' budget estimates to be submitted for sanction to the district local board.

87. Every budget estimate, as approved by a taluka local board, shall be forthwith submitted to the district local board to which such taluka board is subordinate which, may—

(*a*) as often as it thinks fit, send back such estimate to the taluka local board for revision, or

(*b*) sanction any budget estimate, or revised budget estimate submitted to it, either as it stands, or subject to such modification as it deems expedient.

Revised or supplementary budget estimates may be made when necessary.

88. (*1*) Every local board may, at any time during the year for which any such budget estimate has been approved or sanctioned, cause a revised or supplementary budget estimate to be prepared. Every such revised or supplementary estimate shall be considered and approved by the local board and in the case of a taluka local board submitted to the district local board for sanction, in the same manner as if it were an original annual budget estimate.

Re-appropriation to be subject to approval or sanction like budget estimate.

(*2*) Re-appropriation of funds in a budget estimate may be made from time to time subject to the same approval or sanction as is required for the budget estimate.

Budget estimates and re-appropriations when to be approved or sanctioned.

89. (*1*) No budget estimate of a local board and no re-appropriation of a budget item shall be approved or sanctioned as aforesaid, unless—

(*a*) provision is therein made for such board having at its credit at the end of the official year a balance of not less than five thousand rupees in the case of a district local board, and two hundred rupees in the case of a taluka local board;

(*b*) for every work [1]* of first construction [1]** there is attached to the budget estimate in which provision is made therefor a detailed estimate of the cost of such work, which has been approved by the board, and in the case of a road of which the cost is to exceed on an average three hundred rupees per mile or of any other work of which the total cost is to exceed three thousand rupees, plans and estimates have [2][either] been prepared or approved by the Government Executive Engineer of the district or by an engineer employed by the board and approved by [3][the Provincial Government]:

[4]Provided that [3][the Provincial Government] may, in any case, for special reasons direct that the provisions of this clause shall not apply.

Copies of budget estimates and re-appropriation statements to be sent to the Collector.

(*2*) A copy of every budget estimate and a statement of every re-appropriation as finally approved or sanctioned under the foregoing provisions shall be forwarded by the president of each local board without delay to the Collector, or such officer as he nominates in this behalf. Annual budget estimates shall be so forwarded not later than the 18th February.

---

[1] The words "whether" and "or repair" were deleted by Bom. 10 of 1927, s. 9 (*a*).

[2] The word "either" was inserted, *ibid.*, s. 9 (*b*).

[3] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[4] This proviso was added by Bom. 10 of 1927, s. 9 (*c*).

Except on a pressing emergency no sum not provided for in a budget estimate to be expended.

90. (*1*) Save in case of pressing emergency, no sum shall be expended by, or on behalf of, any local board, unless such sum is included in some budget estimate at the time in force which has been approved or sanctioned as aforesaid.

(*2*) If any sum is so expended on a pressing emergency, the circumstances shall be forthwith communicated in writing by the president to the Collector (through the district local board, if the sum has been expended by a taluka local board) with an explanation of the way in which it is proposed by the local board to cover such extra expenditure.

Provision as to budget estimates in force when this Act comes into operation.

91. Every budget estimate prepared, approved or sanctioned by any local board under the [1]Bombay Local Boards Act, 1884, before the commencement of this Act, shall be deemed to have been duly prepared, approved or sanctioned under this Act. Bom. I of 1884.

Audit to be made periodically under the orders of the Provincial Government.

92. [2][(*1*) Independently of the audit provided for under the provisions of the Bombay Local Fund Audit Act, 1930, the accounts of local boards may be examined and audited at such intervals, in such manner, and by such agency as [3][the Provincial Government], on the application of the local board or local boards concerned, directs.] Bom. XXV of 1930.

Auditor to have power to see all accounts, etc.

(*2*) Every auditor appointed under this section shall have access to the accounts and to all books, deeds, contracts, vouchers and all other documents and records in the possession, or under the control of the local board.

[4][(*3*) [5]* * * Every local board shall publish the report and audit notes with the replies thereto in its administrative report and in a local newspaper selected by the board. A copy of the report on every taluka local board shall also be sent to the district local board of the district.]

CHAPTER VII—TAXATION.

Levy of [6][three annas] cess on every rupee of land-revenue.

93. (*1*) [7][The Provincial Government] shall levy, on the conditions and in the manner hereinafter described, a cess [8][at the rate] of [6][three annas] on every rupee of—

(*a*) every sum payable to [7][the Provincial Government] as ordinary land-revenue except sums payable on account of any of the charges mentioned in Schedule A, and except sums payable on account of any charge which may be notified by [3][the Provincial Government] in this behalf,[9]

---

[1] Bom. I of 1884 is repealed by this Act, s. 2.

[2] Sub-section (*1*) was substituted for the original sub-section by Bom. 25 of 1930, s. 16 (*2*).

[3] The words "the Provincial Government" were substituted for the word "Government" by the Adaptation of Indian Laws Order in Council.

[4] Sub-section (*3*) was substituted for the original by Bom. 10 of 1927, s. 10.

[5] The words "The report of the auditor on each local board shall be sent to each board concerned and to the Collector and shall be published in the *Bombay Government Gazette*" were repealed by Bom. 10 of 1931, s. 4.

[6] The words "The Provincial Government" were substituted for the words "The Government" by the Adaptation of Indian Laws Order in Council.

[7] These words were inserted by Bom. 10 of 1927, s. 11 (*i*) (*1*).

[8] The words "three annas" were substituted for the original words by Bom. 19 of 1948, s. 6.

[9] This comma was substituted for the word "and" by Bom. 10 of 1927, s. 11(*i*) (*2*), (*a*).

(*b*) every sum which would have been assessable on any land as land-revenue had there been no alienation of land-revenue [1][, and]

[2][(*c*) every sum which would have been assessable on any land as land-revenue had the land not been talukdari land] :

[3]* * * * *

[4][Provided [3]* that no cess shall be levied on sums below four annas, and that the amount of the cess shall, if not a multiple of three pies, be increased to the next highest multiple of three pies.]

(*2*) [5][The Provincial Government] may, on the application of the local board to which the cess is payable, suspend the collection of the cess or any portion thereof in any year in any area [6][subject to the authority of such local board].

Rules for assessment.

Bom. V of 1879.

94. [7](*1*) In the asessment of the said cess on villages alienated as defined in the Bombay Land Revenue Code, 1879,

(*a*) if the village has been surveyed and assessed in the manner laid down in the said Code and the rules made thereunder, the cess shall be fixed on the total amount of assessment of the village as fixed under the said Code or the rules made thereunder ;

Bom. II and VII of 1863.

(*b*) if the village has come under summary settlement under the Exemptions from Land Revenue (No. 1) Act, 1863, or the Exemptions from Land Revenue (No. 2) Act, 1863, and clause (*a*) of this section does not apply, the cess shall be fixed on the total annual assessment as settled for the purpose of summary settlement ; and

(*c*) in villages to which neither of clauses (*a*) or (*b*) of this section applies, the cess shall be fixed on the old or kammal rate recorded in the books of the Collector ; and if no such rate is recorded, or if the rate so recorded is objected to by the holder or proprietor of the alienated village, the cess may be fixed as agreed upon by the Collector [8][in agreement with the district local board who shall pass a special resolution to that effect] and such holder or proprietor, or, failing agreement, by a rough survey and assessment to be made by [9][the Provincial Government], the expense of such rough survey being borne half by the local board and half by the holder or proprietor of such village.

[10][(*2*) The provisions of sub-section (*1*) shall apply, so far as may be, to talukdari land.]

Levy of cess on water-rate.

Bom. VII of 1879.

95. [5][The Provincial Government] may levy a cess not exceeding [11][three annas] on every rupee of water-rate leviable under the provisions of the Bombay Irrigation Act, 1879.

---

[1] The comma and the word "and" were substituted for the mark ":" by Bom. 10 of 1927, s. 11 (*i*) (*2*) (*b*).

[2] This clause was inserted, *ibid.*, s. 11 (*i*) (*2*) (*c*).

[3] The first proviso and the word "further" in the second proviso were deleted by Bom. 19 of 1948, s. 6.

[4] This proviso was inserted by Bom. 10 of 1927, s. 11 (*i*) (*4*).

[5] The words "The Provincial Government" were substituted for the words "The Government" by the Adaptation of Indian Laws Order in Council.

[6] These words were substituted for the words "in which the Government has declared that famine exists" by Bom. 10 of 1927, s. 11 (*ii*).

[7] Original section 94 was renumbered as section 94 (*1*) by Bom. 5 of 1928, s. 3 (*a*).

[8] These words were inserted by Bom. 5 of 1928, s. 3 (*b*).

[9] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[10] New sub-section (*2*) was added to the original section 94 by Bom. 5 of 1928, s. 3 (*c*).

[11] These words were substituted for the words "two annas" by Bom. 19 of 1948, s. 7.

Manner of levying cess described in section 93.

96. The cess described in section 93 shall be levied, so far as may be, in the same manner, and under the same provisions of law, as the land revenue.

Manner of levying cess described in section 95.

97. The cess described in section 95 shall be levied, so far as may be, in the same manner, and under the same provisions of law, as water-rates payable to [1][the Provincial Government] under the Bombay Irrigation Act, 1879. Bom. VII of 1879.

Assistance to superior holders.

98. The provisions of law relative to the assistance to be given to superior holders and owners of water-courses for the recovery of their dues from their tenants and occupants under them, or from persons authorized to use their water-courses, shall be applicable to all superior holders, whether of alienated or unalienated land, and to all owners of water-courses in respect of the recovery of the said cesses from their tenants, occupants or persons authorized to use their water-courses, and shall be applicable also to occupants of land under the Bombay Land Revenue Code, 1879, for the recovery of the said cesses from their tenants or joint occupants. Bom. V of 1879.

Taxes which may be imposed by district local board.

99. Subject to any general or special orders which may be made by [1][the Provincial Government] in this behalf, every district local board may—

(*a*) after observing the preliminary procedure required by section 100, and

(*b*) with the sanction of the Commissioner, and subject to such modifications or conditions as under section 101 the Commissioner, in according such sanction, deems fit, impose, for the purposes of this Act, any tax [2][(other than a toll on [3][vehicles, animals or persons] save as provided in section 14 of the Bombay Motor Vehicles Tax Act, 1935)] which, [4][the Provincial Legislature has power under the Government of India Act, 1935, to impose in the Province :] Bom. XXXIV of 1593.

Provided that no tax imposed as aforesaid other than a special sanitary cess or a water-rate, shall without the express [5][consent of the Government concerned] be leviable in respect of any building or part of any building, or of any vehicle, animal or other property, [6][belonging to the Crown] and used solely for public purposes, and not used or intended to be used for purposes of profit, and no toll [7][or octroi] shall be leviable for the passage of troops, the conveyance of Government stores or of any other Government property, the passage of Military or Police officers on duty, or the passage or conveyance of any person or property in the custody of such officers.

[8][Until provision to the contrary is made by the Central Legislature a district local board which was, immediately before the commencement of Part III of the Government of India Act, 1935, lawfully levying any tax under this section as then in force, may continue to levy that tax notwithstanding that it is not a tax which the Provincial Legislature has, under that Act, power to impose in the Province.]

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] These words,figures and brackets were inserted by Bom. 34 of 1935, s. 22, Sch. II.

[3] These words were substituted for the words "vehicles or animals" by Bom. 3 of 1940, s. 16, read with Bom. 40 of 1947, s. 2.

[4] These words were substituted for the words "under rules made under clause (*a*) of sub-section (*3*) of section 80A of the Government of India Act, a local authority may be authorised to impose by any law made by the local legislature without the previous sanction of the Governor General" by the Adaptation of Indian Laws Order in Council.

[5] These words were substituted for the words "consent of the Government", *ibid.*

[6] These words were substituted for the words "belonging to the Government", *ibid.*

[7] These words were inserted by Bom. 23 of 1938, s. 2.

[8] These words were inserted by the Adaptation of Indian Laws Order in Council.

Procedure of board preliminary to imposing tax.

100. (*1*) Every district local board shall, before imposing a tax, by resolution passed at a meeting of the board—

(*a*) select a tax which may under section 99 be imposed; and

(*b*) approve rules describing the tax selected; and shall in such resolution and in such rules specify;

(*c*) the class or classes of persons or of property, or of both, which the district local board desires to make liable, and any exemptions which it desires to make;

(*d*) the amount for which, or the rate at which it is desired to make such classes liable; and

(*e*) all other matters which [1][the Provincial Government] may require to be so specified.

(*2*) When such resolution has been passed, the district local board shall publish the rules with a notice in the form of Schedule B prefixed thereto.

(*3*) Any inhabitant of the district objecting to the imposition of the said tax, or to the amount or rate proposed or to the class of persons or porperty to be made liable thereto, or to any exemptions proposed, may within one month from the publication of the said notice send his objection in writing to the district local board, and the board shall take all such objections into consideration, or shall authorize a committee of its members to consider and report on them, and, unless it decides to abandon or modify the proposed tax in accordance with the said objections, shall submit them with its opinion thereon, together with the notice and rules as aforesaid, to the Commissioner.

Power to sanction, modify and impose conditions.

101. The Commissioner may either refuse to sanction the rules submitted, or may return them to the district local board for further consideration, or, if no objection, or no objection which is in his opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either—

(*a*) without modification, or

(*b*) subject, as he deems fit,

(*i*) to such modifications not involving an increase of the amount to be imposed, or

(*ii*) to such conditions as to the application within the district to any purpose or purposes of this Act specified in such conditions of the whole or any part of the proceeds of such tax.

Publication of sanctioned rules with notice.

102. All rules sanctioned under section 101 with all modifications subject to which the sanction is given, shall be published by the district local board in the district for which they are made, together with a notice reciting the sanction and the date and serial number thereof; and the tax as described in the rules so published shall, from a date which shall be specified in such notice and shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the district local board in accordance with the conditions, if any, subject to which under section 101 the sanction was given:

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

Provided that—

(*a*) a tax leviable by the year—

(*i*) shall not come into force except on one of the following dates, *viz.*, the first day of April, the first day of July, the first day of October, or the first day of January, in any year, and

(*ii*) if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing;

(*b*) on or before the day on which a notice is issued under this section the district local board shall publish such further detailed rules as may be required, and as may have been approved by the Commissioner, pescribing the mode of levying and recovering the tax therein specified, and the dates on which it or the instalments, if any, thereof shall be payable; and

(*c*) if the levy of a tax, or of a special portion of a tax, has been sanctionedcept a fixed period only, the levy shall cease at the conclusion of that period, ex, for so far as regards any unpaid arrears which have become due during the period.

Collection of octroi by one public body on behalf of others.

[1][**102A.** Where any agreement such as is referred to in sub-section (*1A*) of section 46 has been entered into, such one of the bodies entering into the agreement as by the terms thereof shall be specified in this behalf shall have the same power to establish such octroi limits and stations as that body may deem necessary for the entire area in which the octroi is to be collected, and shall have the same power of collecting octroi on animals or goods or both brought within the limits so established, and the provisions of the Act under which that body is constituted relating to octroi, shall apply in the same way as if the limits so established were wholly comprised within the area subject to the control of that body; and the collections made and the costs thereby incurred shall, subject to the provisions of section 46, be divided between the bodies entering into the agreement in such proportions as shall have been determined in the agreement.]

Octroi rules.

[2][**102B.** A district local board when submitting to the Commissioner for sanction a proposal for the imposition of octroi shall, after observing the requirements of sub-sections (*2*) and (*3*) of section 100, include in such rules provisions for fixing octroi limits and stations; providing for the exhibition of tables of octroi; regulating, subject to any general or special orders which the Provincial Government may make in this behalf, the system, under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid, or articles manufactured wholly or in part from such animals or goods, are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the area of the board; and prescribing a period of limitation after which no claim for refund of octroi shall be entertained and the minimum amount for which any claim to refund may be made.]

Power of Provincial Government to suspend levy of objectionable taxes.

103. If it shall at any time appear to [3][the Provincial Government] on complaint made or otherwise, that any tax leviable by a district local board is unfair in its incidence, or that the levy thereof, or of any part thereof, is obnoxious to the interest of the general public or violates any promises made or undertakings incurred

---

[1] This section was inserted by Bom. 14 of 1934, s. 3 (*2*).

[2] New section 102B was inserted by Bom. 23 of 1938, s. 3.

[3] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

by [1][the Provincial Government], [1][the Provincial Government] may require the said district local board, within such period as it shall fix in this behalf, to take measures for removing any objection which appears to it to exist to the said tax, and if within the period so fixed, such requirement shall not be carried into effect to the satisfaction of [1][the Provincial Government], [1][the Provincial Government] may, by notification in the [2][*Official Gazette*], suspend the levy of such tax or of such part thereof, until such time as the objection thereto shall be removed.

CHAPTER VIII—Collection of Taxes.

Presentation of bill for amount of tax.

104. (*1*) When any amount which,

(*a*) by or under any provision of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(*b*) not being payable on demand on account of [3]* * * a toll, is claimable as an amount or instalment on account of any tax [4](including an octroi) which is imposed in the district shall have become due,

the district local board shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum claimed as due.

Contents of bill.

(*2*) Every such bill shall specify—

(*a*) the period for which, and

(*b*) the property, occupation or thing in respect of which, the sum is claimed, and shall also give notice of—

(*i*) the liability incurred in default of payment, and

(*ii*) the time within which an appeal may be preferred, as hereinafter provided, against such claim.

If bill not paid within fifteen days, notice of demand to issue.

(*3*) If the sum for which any bill has been presented as aforesaid is not paid into the local board office, or to a person authorized by any rule in that behalf to receive such payments, within fifteen days from the presentation thereof, the district local board may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form of Schedule C, or to the like effect.

In what cases warrant may issue.

105. If the person liable for the payment of the said sum does not, within fifteen days from the service of such notice of demand, either—

(*a*) pay the sum demanded in the notice, or

(*b*) show cause to the satisfaction of the district local board, or of such officer as the board by rule may appoint in this behalf, why he should not pay the same, or

(*c*) prefer an appeal in accordance with the provisions of section 113 against the demand,

such sum with all costs of the recovery may be levied under a warrant caused to be issued by the district local board in the form of Schedule D or to the like effect by distress and sale of the moveable property of the defaulter.

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The words "an octroi or" were deleted by Bom. 10 of 1940, s. 9.

[4] These words and brackets were inserted, *ibid.*

Warrant by whom to be signed.

106. Every warrant issued under section 105 shall be signed by the president of the district local board causing the same to be issued, or by an officer authorized by the district local board for this purpose or with the sanction of [1][the Provincial Government], by [2][a servant of the Crown].

Octroi on goods in vessels in river, creek, etc.

[3][**106A.** Where an officer of a district local board has reasons to suspect that any goods on which an octroi is leviable are on board a vessel and such vessel has entered any river, stream, creek or an arm of the sea, the limits of which shall be specified by the Provincial Government as being within the district for the purposes of this section, such officer may board the vessel and may take steps for the recovery of octroi due in the manner provided by this Act.]

To whom warrant should be addressed.

107. When the property is in the district, the warrant shall be addressed to an officer of a local board established in the district or with the sanction of [1][the Provincial Government], to [2][a servant of the Crown].

When the property is in another district, the warrant shall be addressed to the president of the district local board in such other district: provided that such president may endorse such warrant to a subordinate officer or with the sanction of [1][the Provincial Government] to [2][a servant of the Crown]. When the property is in the City of Bombay, the warrant shall be addressed to the Registrar of the Court of Small Causes of Bombay: provided that the Registrar may endorse such warrant to a subordinate officer.

Power of entry under special order.

108. Any officer to whom a warrant is addressed by endorsement or otherwise may, if the warrant contains a special order authorizing him in this behalf, but not otherwise, break open at any time between sunrise and sunset any outer or inner door or window of a building in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance provided that such officer shall not enter or break open the door of any apartment appropriated for women until he has given three hours' notice of his intention and has given such women an opportunity to remove themselves.

Warrant how to be executed.

109. Such officer may distrain, wherever it may be found, any moveable property of the person named in the warrant as defaulter subject to the following conditions, exceptions and exemptions, namely:—

(*a*) the following property shall not be destrained—

(*i*) the necessary wearing apparel and bedding of the defaulter, his wife and children,

(*ii*) the tools of artizans, and

(*iii*) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable him to earn his livelihood;

(*b*) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of a person

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "a servant of the Crown" were substituted for the words "an officer of the Government", *ibid.*

[3] This section was inserted by Bom. 10 of 1949, s. 10.

authorized by or under section 106 to sign a warrant should not have been so distrained they shall forthwith be returned; and

(*c*) the officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form of Schedule E, that the said property will be sold as shall be specified in such notice :

Provided that if after the property is distrained and before it has been removed, the sum due by the defaulter together with all costs incidental to the notice, warrant and distress of the property is paid, the officer shall remove the distress.

Sale of goods distrained.

110. (*1*) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value; the president or officer by whom the warrant was signed shall at once give notice to the person in whose possession the property was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Application of proceeds of sale.

(*2*) If not sold at once under sub-section (*1*), the property seized or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs incidental to the notice, warrant, and distress and detention of the property is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the district local board and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(*3*) The surplus, if any, shall be forthwith credited to the local fund, notice of such credit being given at the same time to the person from whose possession the property was taken. But if the same be claimed by written application to the district local board within one year from the date of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the district local board.

Distraint and sale outside the district.

111. When the warrant is addressed outside the district, the authority issuing the warrant may by endorsement direct the president or registrar to whom the warrant is addressed to sell the property distrained, and in such case it shall be lawful for such president or registrar to sell the property and do all things incidental to the sale, and the foregoing provisions shall be modified accordingly. Such president or registrar shall, after deducting all costs of recovery incurred by him, remit the amount recovered under the warrant to the authority by whom it was issued.

Fees and costs chargeable.

112. Fees for—

(*a*) every notice issued under sub-section (*3*) of section 104,

(*b*) every distress made under section 109, and

(*c*) the costs of maintaining any livestock seized under the said section,

shall be chargeable at the rates respectively specified in such behalf in the rules of the district local board, and shall be included in the costs of recovery to be levied under section 105.

Appeals to Magistrates.

113. Appeals against any notice of demand issued under sub-section (*3*) of section 104 may be made to any Magistrate or Bench of Magistrates by whom under

the directions of [1][the Provincial Government], or of the District Magistrate, such class of cases is to be tried. But no such appeal shall be heard and determined unless—

(*a*) the appeal is brought within fifteen days next after service of the notice of demand complained of;

(*b*) an application in writing, stating the ground on which the claim of the district local board is disputed, has been made to the district local board as follows, that is to say :

(*i*) in the case of a rate on buildings or lands, within a time to be notified in the notice given of the assessment or alteration thereof, according to which the bill is prepared, and

(*ii*) in the case of any other claim for which a bill has been presented under sub-section (*1*) of section 104, within fifteen days next after the presentation of such bill, and

(*c*) the amount claimed from the appellant has been deposited by him in the local board office.

Liability of lands, buildings, etc., for rates.

114. All sums due on account of any tax imposed in the form of a rate on lands or buildings or on both shall, subject to prior payment of land-revenue, if any, due thereupon, be a first charge upon the building or land in respect of which such tax is leviable, and upon the moveable property, if any, found within or upon such building or land, and belonging to the person liable for such tax :

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due from more than one year or for a period during which such occupier was not in occupation.

Suspension of power to recover by distress and sale.

115. [1][The Provincial Government] may at any time by notification suspend the operation of sections 105 to 110 inclusive in any district and from such date as shall be fixed in this behalf in the notification, every amount due on account of any tax theretofore recoverable under the said sections, shall be recoverable on application to a Magistrate, in the manner provided in sub-section (2) of section 70 for the recovery of such fines as are therein referred to, and not otherwise.

Power to examine articles liable to octroi.

[2]**[115A.** (*1*) A person bringing into or receiving from beyond the octroi limits of a district local board any animal or goods on which octroi is payable shall, when required by an officer authorized in this behalf by the district local board and so far as may be necessary for ascertaining the amount of tax chargeable—

(*a*) permit that officer to inspect, examine, weigh, and otherwise deal with such animal or goods ;

(*b*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature, which he may possess relating to such animal or goods ; and

(*c*) make a declaration in writing to that officer regarding the correctness and accuracy of the document shown to him.

Power to search where octroi is leviable.

(*2*) If any person bringing into or receiving from beyond the octroi limits of a district local board in which octroi is leviable, any conveyance or package, shall refuse on the demand of an officer authorized by the board in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] Now sections 115A, 115B and 115C were inserted by Bom. 23 of 1938, s. 5.

ascertaining whether it contains anything in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate or such officer of the board as the Provincial Government appoints in this behalf by name or office, who shall cause the inspection to be made in his presence.]

[1][**115B.** An officer demanding octroi by the authority of the district local board shall tender to every person introducing or receiving anything on which the tax is claimed, a bill specifying the animal or goods taxable, the amount claimed, and the rate at which the tax is calculated.] Presentation of bills for octroi.

[1][**115C.** Where any animal or goods passing into the octroi limits of a district local board are liable to the payment of octroi, any person who, with the intention of defrauding the board, causes or abets the introduction of or himself introduces or attempts to introduce within the octroi limits of the said board any such animal or goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend to ten times the amount of such octroi or to fifty rupees whichever may be greater.] Penalty for evasion of octroi.

116. (*1*) In the case of the non-payment on demand of any [3][octroi or] toll leviable by a district local board the person appointed to collect [4][such octroi or toll may seize any animal or goods on which octroi is leviable or] vehicle or animal on which the toll is chargeable or any part of its burden which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the property seized a list of the property together with a written notice in the form of Schedule E that the said property will be sold as shall be specified in such notice. [2][Power to seize animals, goods or vehicles on non-payment of octroi or toll.]

(*2*) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the [5][octroi or] toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of [5][octroi or] toll demanded be forthwith paid. Power to sell property seized at once.

(*3*) If at any time before the sale has begun, the person whose property has been so seized tenders at the local board office the amount of all expenses incurred, and of [5][octroi or] toll payable, the property seized shall forthwith be released. Release of property on payment.

(*4*) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such [5][octroi or] toll and of the expenses incidental to the seizure, detention and sale. Sale.

(*5*) The surplus, if any, of the sale proceeds shall be credited to the local fund and may, on application made to the district local board in writing within [6][three years] next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the district local board. Surplus how dealt with.

---

[1] New section 115A, 115B and 115C were inserted by Bom. 23 of 1938, s. 5.

[2] This marginal note was substituted for the original by Bom. 10 of 1949, s. 11.

[3] These words were inserted by Bom. 23 of 1938, s. 6 (*1*) (*a*).

[4] These words were substituted for the words "such toll may seize any", *ibid.*, s. 6 (*1*) (*b*).

[5] These words were inserted, *ibid.*, s. 6 (*2*).

[6] These words were substituted for the words "six months", *ibid.*, s. 6 (*3*).

Power to keep account current with person, firm or public body in lieu of levying octroi on introduction of goods.

[1][**116A.** The district local board, if it thinks fit, instead of requiring payment of octroi due from any person, mercantile firm or public body to be made at the time when the animals or goods in respect of which the octroi is leviable are introduced within the octroi limits of the board, may at any time direct than an account current shall be kept on behalf of the board of the octroi so due from such person, firm or body. Such account shall be settled at intervals not exceeding one month, and such person, firm or public body shall give such information or details and make such deposit or furnish such security as the board or any officer authorized by it in this behalf shall consider sufficient to cover the amount which may at any time be due from such person, firm or body in respect of such dues. Any amount so due at the expiry of any such interval shall, for the purposes of [2][this Chapter] be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable [2][thereunder].

Farming of tolls.

117. (*1*) The district local board may lease the levy of any toll that may be imposed under this Act by public auction or private contract:

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

Person employed by the lessee of toll to have power of seizure.

(*2*) When any toll has been leased under this section, any person employed by the lessee to collect such toll shall, subject to the conditions of the lease, have the powers referred to in sub-sections (*1*) and (*2*) of section 116:

Provided that no article seized may be sold except under the orders of the district local board.

(*3*) Any sum due from a lessee to a local board in respect of any toll leased under this section may be recovered as an arrear of land-revenue.

Receipts to be given for all payments.

118. For all sums paid on account of any tax under this Act, a receipt stating the amount and the tax on account of which it has been paid shall be tendered by the person receiving the same.

---

[3]CHAPTER VIIIA.

Financial Assistance to District Local Boards.

Grant of 15 per cent. of land revenue to district local boards.

118A. The Provincial Government shall make every year a grant to every district local board equivalent in amount to fifteen per cent. of the ordinary land revenue including non-agricultural assessment realised during the previous revenue year from lands within the limits of the district excluding lands within municipal boroughs, municipal districts or villages within the meaning of the Bombay Village Panchayats Act, 1933.] Bom. VI of 1933.

---

[1] New section 116A was inserted, by Bom. 23 of 1938, s. 7.

[2] These words were substituted for the original by Bom. 10 of 1949, s. 12.

[3] This Chapter and s. 118A were inserted by Bom. 10 of 1949, s. 13.

CHAPTER IX—Officers and Servants of Local Boards.

Schedule of establishment to be prepared and sanctioned by district local boards; Chief Officer Health Officer: Engineer.

119. (*1*) Every district local board may appoint and pay such officers and servants as it shall deem necessary and proper to maintain for the efficient execution of its duties and the duties of the taluka local boards in the district under this Act, and shall from time to time prepare and sanction a schedule of the staff to be so maintained, setting forth the designations and grades of the different officers and servants, the boards under which they are to be respectively employed, their respective duties and the amount and nature of the salaries, fees and allowances to be paid to each, and determining which of the said officers and servants are to be maintained permanently and which temporarily only.

[1][Provided that when so required by the Provincial Government, a dearness allowance at such rates as may be fixed by the Provincial Government from time to time shall be paid to the officers and servants maintained by a district local board under sub-section (*1*).]

(*2*) Where any district local board appoints a Chief Officer or an Engineer and such appointment is approved by [2][the Provincial Government], [2][the Provincial Government] shall pay two-thirds of the salary of such Chief Officer or Engineer; and where any district local board appoints a Health Officer and such appointment is approved by [2][the Provincial Government], [2][the Provincial Government] shall pay two-thirds of the salary of such officer.

[3][(*3*) If at any time after a Chief Officer, Engineer or Health Officer has been appointed by a district local board and such appointment has been approved by [2][the Provincial Government] under sub-section (*2*), it shall appear to [2][the Provincial Government] after an enquiry held under section 128, that any of such officers is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal necessary in the public interest, [2][the Provincial Government] may, by a written notice require the district local board to remove such officer from office on or before a date specified in the notice. If the district local board fails to remove such officer from office on or before such date, the liability of [2][the Provincial Government] to pay any part of the salary of such officer shall, not withstanding anything contained in sub-section (*2*), cease from the said date.]

Delegation of power to engage officers and servants.

120. The district local board may, subject to any rule or order made by [2][the Provincial Government] in this behalf under clause (*g*) of section 133, delegate to its president [4][or Chief Officer] or to the president of any taluka local board subordinate to it the power of appointing any officer or servant on a salary not exceeding such limit as may be prescribed by [2][the Provincial Government] by rule in this behalf.

Power of Commissioner to prevent extravagance in establishments.

121. If in the opinion of the Commissioner the number of persons maintained by a district local board as officers or servants, or whom a district local board proposes to maintain, or the remuneration assigned by the board to those persons or to any particular person, is excessive, the said board shall, on the requirement of the Commissioner, reduce the number or remuneration of the said persons:

---

[1] This proviso was added by Bom. 21 of 1945, s. 3 (*ii*), read with Bom. 19 of 1948, s. 2.

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[3] Sub-section (*3*) was added by Bom. 30 of 1935, s. 3.

[4] The words "or Chief Officer" were inserted by Bom. 8 of 1934, s. 3.

Provided that the district local board may appeal against any such requirement to [1][the Provincial Government] whose decision shall be conclusive.

Punishment and dismissal of officers and servants.

122. The power of punishing or dismissing any officer or servant maintained by a district local board shall, subject to any regulation framed under section 123, and to any rule or order made by [1][the Provincial Government] in this behalf under clause (*g*) of section 133, vest in the said board :

Provided that, subject as aforesaid, the power of punishing or dismissing any such officer or servant not receiving salary beyond such limit as may be prescribed by [1][the Provincial Government] by rule made in this behalf under clause (*g*) of section 133 may be delegated by a district local board to its president [2][or to its Chief Officer], [3][Engineer or Health Officer] or to the president of any taluka local board subordinate to it.

District local boards to frame regulations ;

123. Every district local board may from time to time frame regulations,

fixing the amount of the security to be furnished ;

(*a*) fixing the amount and nature of the security to be furnished by any officer or servant maintained by the board from whom it may be deemed expedient to require security ;

regulating leave ;

(*b*) regulating the grant of leave to the permanent officers and servants maintained by the board ;

settling absentee allowances ;

(*c*) authorizing the payment of allowances to the said officers and servants or to certain of them, whilst absent on leave ;

fixing acting allowances ;

(*d*) determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave ;

regulating length of service ;

(*e*) regulating the period of service of all such officers and servants ;

regulating punishment and dismissal ;

[4][(*ee*) regulating, subject to any rule or order made by [1][the Provincial Government] in this behalf under clause (*g*) of section 133, the punishment and dismissal of such officers and servants ;]

fixing pensions, etc. ;

(*f*) determining the conditions under which such officers and servants or any of them, shall, on retirement, receive pensions, gratuities, or compassionate allowances; the conditions under which gratuities or compassionate allowances may be paid to the surviving relatives of such officers and servants and the amount of such pensions, gratuities or compassionate allowances ; and

fixing contributions to provident funds ;

(*g*) authorizing the payment of contributions at certain specified rates and subject to certain specified conditions to any pension or provident fund which may, with the approval of the said board, be established by the said officers and servants :

Provided that,

Proviso as to officers lent by Provincial Government;

(*i*) if an officer is lent to any local board by [1][the Provincial Government] or if an officer is employed partly in the service of [1][the Provincial Government] and partly in the service of a local board, such board shall contribute to his pension and leave allowances to such extent as may be required by rules made by

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] These words were inserted by Bom. 10 of 1927, s. 12.

[3] These words were inserted by Bom. 8 of 1934, s. 4.

[4] Clause (*ee*) was inserted, *ibid.*, s. 5.

[1][the Provincial Government] in this behalf under clause (*g*) of section 133 and shall not except with the assent of [1][the Provincial Government], dispense with his further services at any time without giving [1][the Provincial Government] six months' previous notice; and

(*ii*) no regulation made by any district local board under this section shall have effect unless and until it has been approved by [1][the Provincial Government]. and as to approval of regulations by the Provincial Government.

CHAPTER X—CONTROL.

124. (*1*) The Commissioner, Collector or any [2][servant of the Crown] authorized by general or special order of [1][the Provincial Government] may— Powers of inspection and supervision.

(*a*) enter on and inspect any immovable property occupied by any local board or any institution under its control and management, or any work in progress under it or under its direction, or cause such immovable property, institution or work to be entered upon and inspected by any other person authorized by him in this behalf in writing; and

(*b*) call for any extract from the proceedings of any local board or any committee appointed by such board, and call for or inspect any book or document in the possession of or under the control of a local board.

(*2*) The Collector may—

(*a*) call for any return, statement, account or report which he may think fit to require a local board to furnish; and

(*b*) require a local board to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done by such board, or any information furnished by him which appears to him to necessitate the doing of a certain thing by such board and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing, or for not doing, such thing.

125. (*1*) If, in the opinion of the Collector, the execution of any order or resolution of a local board, or the doing of anything which is about to be done, or is being done by or on behalf of a local board, is causing, or is likely to cause, injury or annoyance to the public, or to lead to a breach of the peace or is unlawful, he may, by order in writing, under his signature, suspend the execution or prohibit the doing thereof. Collector's power of suspending execution of orders, etc., of local boards.

(*2*) When a Collector makes any order under sub-section (*1*), he shall forthwith forward to the Commissioner and to the local board affected thereby a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order or to direct that it continue in force with or without modification, permanently or for such period as he thinks fit. Collector's order to be reported to the Commissioner, who may confirm or modify it.

(*3*) The Commissioner shall forthwith submit to the [1][the Provincial Government] a report of every case occurring under this section, and [1][the Provincial Government] may revise or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made. Every case under this section to be reported to the Provincial Government for its final orders.

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "servant of the Crown" were substituted for the words "Officer of the Government", *ibid.*

Extraordinary powers of Collector in case of emergency.

126. (*1*) In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a local board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the local board.

(*2*) If the expense and remuneration are not so paid, the Collector may direct the officer in charge of the treasury or bank or society in which the local fund is kept or the whole or portion thereof is deposited or lent on interest, to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hand.

(*3*) The Collector shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

Power of the Provincial Government to provide for performance of duties in default of local board.

127. (*1*) When [1][the Provincial Government] is informed, on complaint made or otherwise that a local board has made default in performing any duty imposed on it by or under this Act, [2][or by or under any enactment for the time being in force] [1][the Provinial Government], if satisfied after due enquiry that the local board has been guilty of the alleged default, may fix a period for the performance of that duty :

Provided that no such period shall be fixed unless the local board has been given an opportunity to show cause why such order shall not be made.

(*2*) If that duty is not performed within the period so fixed, [1][the Provincial Government] may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the local board.

[3][(*3*) If the expense and remuneration are not so paid [1][the Provincial Government] may make an order directing the officer in charge of the treasury or bank or society in which the local fund is kept or the whole or portion thereof is deposited or lent on interest to pay such expense and remuneration from such moneys as may be standing to the credit of the local board in such treasury or bank or society or as may, from time to time, be received from or on behalf of the local board by way of deposit by such treasury or bank or society ; and such officer or bank or society shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such officer, bank or society from all liability to the local board in respect of any sum or sums so paid by him or it out of the moneys so received or standing to the credit of the local board in such treasury or bank or society.]

Inquiry into affairs of local board.

128. (*1*) [1][The Provincial Government] may from time to time cause inquiry to be made by any of its officers in regard to any local board, or matters concerning it, or any matters with respect to which the sanction, approval, consent or order of [1][the Provincial Government] is required by this Act.

(*2*) The officer holding such inquiry shall have the powers of a court under the Code of Civil Procedure, 1908, to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the inquiry.

V of 1908

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] These words were inserted by Bom. 5 of 1932, s. 3.

[3] This sub-section was substituted for original sub-section (*3*) by Bom. 23 of 1931, s. 3.

(*3*) [1][The Provincial Government] may make orders as to the costs of inquiries made under sub-section (*1*) and as to the parties by whom and the funds out of which they shall be paid, and such order may, on the application of [1][the Provincial Government] or of any person named therein, be executed as if it were a decree of a civil court.

Power of the Provincial Government to dissolve or supersede local boards in case of incompetence, default, or abuse of powers.

129. (*1*) If in the opinion of [1][the Provincial Government] a local board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, [1][the Provincial Government] may by an order published, with the reasons for making it, in the [2][*Official Gazette*], declare the local board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and either—

(*a*) dissolve the board, or

(*b*) supersede it for a period to be specified in the order.

(*2*) When a local board is dissolved or superseded, all members of the board shall, as from the date of the order, vacate their offices as such members.

Reconstitution of local board after dissolution.

130. When a local board is dissolved, it shall be reconstituted [3]* * * as if the term of office of its members had expired; and a president and vice-president of the board shall be elected in the manner provided in this Act.

Consequences of supersession of local board.

131. When a local board is superseded—

(*a*) all powers and duties of the board may, during the period of supersession, be exercised and performed by such person or persons as [1][the Provincial Government] from time to time appoints in that behalf; such person or persons may appoint a person or a committee or committees and delegate to them all the powers which the local board could have delegated to a person or committee under this Act, and empower such person or committee or committees to perform the duties which a board could have delegated; and

(*b*) all property vested in the board shall, during the period of supersession, [4][vest in the Crown, for the purpose of the Province];

(*c*) when more persons than one are appointed to exercise the powers and perform the duties of the board, such persons may authorize one or more of their number to sue or be sued on their behalf.

---

[1] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[2] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[3] The words "by such nominations and elections as may be necessary" were deleted by Bom. I of 1938, s. 6.

[4] The words "vest in the Crown for the purpose of the Province" were substituted for the words "vest in the Government" by the Adaptation of Indian Laws Order in Council.

Power of Provincial Government to dissolve and reconstitute local boards on the alteration of limits of districts or talukas.

[1][**131A.** (*1*) When, on account of the constitution of a new district under the Bombay Land Revenue Code, 1879, [2][or under sub-section (*2*) of section 3A], or for any other reason, the limits of a district or taluka are, during the term of office of the members of the district or taluka local board, altered, [3][the Provincial Government] may, by order published in the [4][*Official Gazette*], dissolve such local board from a date specified in the order and direct a local board— Bom. V of 1879.

(*i*) to be reconstituted for the district or taluka of which the local board has been dissolved, or

(*ii*) to be established for a new district or taluka which has been constituted.

The members of the local board which has been dissolved shall vacate their offices from the date specified in the order.

(*2*) The district or taluka local board reconstituted or established under the provisions of sub-section (*1*) shall consist of members nominated by [5][the Provincial Government]. Such members shall, so far as may be practicable in the opinion of [5][the Provincial Government], be persons who were members of the local boards which have been dissolved under sub-section (*1*).

The president and vice-president of the local board so reconstituted or established shall be elected in the manner provided in this Act.

(*3*) The members of a local board reconstituted or established under the provisions of sub-section (*2*) shall hold office for such period, not exceeding one year, as [3][the Provincial Government] shall, by order in writing, specify.

(*4*) On the expiry of the period of office of the members of a local board under the provisions of sub-section (*3*), the local board of the district or taluka, as the case may be, shall be constituted in the manner provided in sections 5 and 6.]

Vesting of property, etc., of local boards which have been dissolved in reconstituted local boards.

[1][**131B.** (*1*) When a local board has been dissolved and reconstituted or established under section 131A, so much of the local fund and other property vesting in the local board which has been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, a local board reconstituted or established under section 131A as the Commissioner may, by order in writing, direct.

(*2*) The rights and liabilities of the local board which has been dissolved in respect of civil and criminal proceedings, contracts, agreements, and other matter or thing arising in or relating to any part of the area subject to the authority of the local board reconstituted or established, shall vest in such local board.

(*3*) Any notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued or imposed by the local board which has been dissolved, in respect to any part of the area subject to the authority of the local board which has been reconstituted or established, shall be deemed to have been made, issued or imposed by such local board, unless and until it is superseded by any notification, notice, tax, order, scheme, licence, permission, rule, by-law or form made, issued or imposed by such local board.]

---

[1] Sections 131A and 131B were inserted by Bom. 5 of 1932, s. 4.

[2] This portion was inserted by Bom. 19 of 1948, s. 8.

[3] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[4] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*

[5] The words "the Provincial Government" were substituted for the word "Government", *ibid.*

[1][**131C.** (*1*) When a taluka local board is abolished, all property vesting in the said taluka local board shall vest in the district local board of the district and all rights and liabilities of the said taluka local board in respect of civil and criminal proceedings, contracts, agreements and other matter or thing arising in or relating to any area subject to the authority of the said taluka local board shall vest in the said district local board. Vesting of property, etc., of a taluka local board which has ceased to exist in the district local board.

(*2*) Any notice, order, scheme, licence, permission or form made or issued by the said taluka local board shall be deemed to have been made or issued by the said district local board, unless and until it is superseded by any notice, order, scheme, licence, permission or form made or issued by the said district local board.]

132. In all matters connected with this Act, [2][the Provincial Government] and the Commissioners and Collectors shall have and exercise the same authority and control over the Commissioners, the Collectors and their subordinates, respectively, as they have and exercise over them in the general and revenue administration. Powers of the Provincial Government and of Commissioners over Collectors, etc.

CHAPTER XI—RULES.

133. [2][The Provincial Government] may by notification in the [3][*Official Gazette*] from time to time make rules or orders, consistent with this Act— Purposes for which rules and orders may be made.

[4][(*a*) prescribing the number of members of each local board, the number and extent of the constituencies by which members of a local board shall be elected, the number of members to be elected by each constituency and the number of seats, if any, to be reserved for women, Muslims, Harijans, backward tribes and Indian Christians ;]

[5]* * * *

(*b*) determining the mode in which and the places at which, and the authorities, if any, under whose supervision elections of members of local boards shall be held, and the manner in which votes thereat shall be recorded, and how and by whom the results of such elections shall be declared ;

(*c*) prescribing such general conditions as shall seem fit as to the manner in which the business of local boards shall be conducted ;

[6][(*cc*) prescribing the number of members of a taluka committee, the manner of appointment of such members and regulating the exercise of powers and performance of duties by taluka committees ;]

(*d*) prescribing , for the purposes of clause (*i*) of section 50, the conditions under which, and the rates at which, payment of travelling expenses shall be made ;

(*e*) prescribing for the purposes of proviso (*b*) to section 80, the charges to be defrayed by each district local board on account of primary education, the extent of the independent authority of district and taluka local boards, in respect of education and their relations generally with [2][the Provincial Government], Educational Department and with each other in educational matters ;

---

[1] Section 131C was inserted by Bom. 6 of 1935, s. 4.
[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.
[3] The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*", *ibid.*
[4] This clause was substituted for the original by Bom. 41 of 1947, s. 4 (*b*).
[5] Clauses (*a1*) and (*a2*) were deleted, *ibid.*
[6] Clause (*cc*) was inserted by Bom. 6 of 1935, s. 5.

(*f*) prescribing for the purposes of sections 83, 84 and sub-section (*1*) of section 86 the form in which the accounts of local boards shall be kept and the forms in which their abstracts of accounts and budget estimates shall be prepared and regulating the audit of local board accounts;

(*g*) regulating, for the purposes of sections [1][120 and 122 and clause (*ee*)] of and proviso (*i*) to section 123 the appointment, control, punishment and dismissal of the officers and servants of local boards and the extent of contributions to the pensions and leave allowances of Government officers employed by local boards; and

(*h*) generally, for the guidance of local boards and Government officers in all matters connected with the administration of this Act and not therein specially provided for:

Provided that rules made under this section shall be made after previous publication.

CHAPTER XII—MISCELLANEOUS.

Penalty for member, officer or servant of a local board having an interest in any contract, etc., with that board.

134. If any member of a local board or any officer or servant maintained by or employed under a local board, has directly or indirectly any share or interest in any work done by order of the board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such board, he shall be liable on conviction before a Magistrate to a fine not exceeding rupees five hundred:

Provided that no person shall be convicted under this section by reason only of such person—

(*a*) having a share in any joint stock company or a share or interest in any society registered or deemed to be registered under the [2]Co-operative Societies Act, 1912, which shall contract with or be employed by or on behalf of the local board, or II of 1912.

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local board may be inserted, or

(*c*) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the local board, or

(*d*) being professionally engaged on behalf of the local board as a legal practitioner.

Members, etc., of boards to be public servants.

135. Every member of a local board and every officer and servant maintained by or employed under a district local board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Limitation of suits, etc.

[3][**136.** (*1*) No suit shall be commenced against any local board, or against any officer or servant of a local board, or any person acting under the orders of a local board, for anything done, or purporting to have been done, in pursuance of this Act, without giving to such local board, officer, servant, or person one month's previous notice in writing of the intended suit and of the cause thereof, nor after three months from the date of the act complained of.

---

[1] The figures, words, letters and brackets "120 and 122 and clause (*ee*)" were substituted for the figures "120, 122" by Bom. 8 of 1934, s. 6.

[2] This Act is repealed by Bom. 7 of 1925, s. 73, Schedule.

[3] This section was substituted for the original by Bom. 10 of 1949, s. 14.

(*2*) In the case of any such suit for damages, if tender of sufficient amends shall have been made before the action was brought, the plaintiff shall not recover more than the amount so tendered, and shall pay all costs incurred by the defendant after such tender.]

Acquisition of land.

[1][**137.** When any land is required for the purposes of this Act, [2][the Provincial Government] may, on the request of the local board requiring it, proceed to acquire it under the provisions of the [3]Land Acquisition Act, 1894, or other law for the time being in force, and, on payment by the local board of the compensation awarded under that Act and of all other charges incurred by [2][the Provincial Government] on account of the acquisition, the land shall vest in the local board.]

I of 1894.

SCHEDULE A.

(*See clause* (*a*) *of section 93.*)

1. Penalties and fines, including any charge imposed under section 148 of the Bombay Land Revenue Code, 1879, as penalty or interest in case of default, but not including any fine levied under section 65 of the same on grant of permission to use land for a purpose unconnected with agriculture.

Bom. V of 1879.

2. Occasional fixed payments, in commutation of all claims of [2][the Provincial Government], in respect of succession to or transfer of inams, payable on each succession or transfer.

3. Land revenue on service inam land, recovered from inferior village servants for periods of unauthorized absence from service; and all other such charges of assessment on inams and watans for broken periods and past years.

4. Fees for grazing when charged per head of cattle.

SCHEDULE B.

(*See sub-section* (*2*) *of section 100.*)

FORM OF NOTICE OF PROPOSED TAX.

Notice is hereby given to the inhabitants of the district of that the district local board desires to impose the tax, rate, toll, octroi, or cess (as the case may be) defined in the rules appended [in lieu of the tax known as the , which is published at page of the sanctioned rules*].

*To be inserted if the tax is to be substituted for any existing tax.

[1] This section was substituted for the original by Bom. 10 of 1927, s. 13.

[2] The words "the Provincial Government" were substituted for the words "the Government" by the Adaptation of Indian Laws Order in Council.

[3] See Central Acts.

Any inhabitant of the district objecting to the proposed tax may, within one month from the date of this notice, send his objection in writing to the district local board.

RULES.

(*The rules prepared by the district local board under sub-section (1) of section 100 are to be appended here.*)

SCHEDULE C.

(*See sub-section (3) of section 104.*)

FORM OF NOTICE OF DEMAND.

To

A. B., residing at

Take notice that the district local board of demands from the sum of due from on account of

(*Here describe the property or other subject in respect of which the tax is leviable.*)

leviable under rule No. for the period of commencing on the day of 19 and ending on the day of 19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the local board office at , and sufficient cause for non-payment is not shown to the satisfaction of the district local board, a warrant of distress will be issued for the recovery of the same with cost.

Dated this day of 19 .

(Signed)
By order of the district local board of

SCHEDULE D.

(*See section 105.*)

FORM OF WARRANT.

(*Here insert the name of the officer charged with the execution of the warrant.*)

Whereas *A. B.* of has not paid, and has not shown satisfactory cause for the non-payment of, the sum of due for the tax* mentioned in the margin for the period commencing on the day of 19 , and ending with the day of 19 , and leviable under rule No. ;

*Here describe the tax.

And whereas fifteen days have elapsed since the service on him of notice of demand for the same: .

This is to command you to distrain, subject to the provisions of sections 108 and 109 of the Bombay Local Boards Act, 1923, the goods and chattels of the said *A. B.* to the amount of , being the amount due from him, as follows :—

	Rs.	a.	p.
On account of the said tax			
For service of notice			

and forthwith to certify to me together with this warrant all particulars of the goods seized by you thereunder.

Dated this day of 19 .

(Signed)

President.

(or as the case may be, *see* section 106.)

SCHEDULE E.

(*See clause (c) of section 109 and sub-section (1) of section 116.*)

FORM OF INVENTORY AND NOTICE.

To

A. B.

residing at

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the value of due for the tax* mentioned in the margin for the period commencing with the day of 19 and ending with the day of 19 together with Rs. due as for service of notice of demand and that unless within five days from the day of the date of this notice you pay into the local board office at the said amount together with the cost of recovery, the said goods and chattels will be sold.

*Here describe the tax.

Dated this day of 19 .

(Signature of officer executing the warrant.)

INVENTORY.

(*Here state particulars of goods and chattels seized.*)